SUMMARY OF 2022 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
Marybeth Sullivan, 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
Michelle Kirby
Shaun McGann
George Miles
Kristen Miller
John Moran
James Orlando
Rute Pinho
Heather Poole
Jennifer Proto
Alex Reger
Jessica Schaeffer-Helmecki
Marybeth Sullivan

Library Staff

Jennifer Bernier
Carrie Lisitano
Christine McCluskey

TABLE OF CONTENTS

NOTICE TO USERS

This publication, *Summary of 2022 Public Acts*, summarizes all public acts passed during the Connecticut General Assembly's 2022 Regular Session. Special acts are not summarized. This publication is word searchable and contains hyperlinks for ease of navigation.

Use of this Publication

The Office of Legislative Research encourages dissemination of this material by photocopying, reprinting in newspapers (in whole or in part), or by other means. Please credit the Office of Legislative Research when republishing the summaries.

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

Organization of the Publication

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

2022 VETOED ACTS

1. PA 22-22, 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 (Judiciary Committee)

2. PA 22-95, An Act Concerning Police Patrol Vehicles That Require Dashboard Cameras and the Acquisition of a Mine-resistant, Ambush-protected Vehicle (Public Safety and Security 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, PA 21-32 (§ 35) reduced the maximum sentence for misdemeanors from one year to 364 days (codified at CGS § 53a-36a, 2022 Supp).

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 22-4—HB 5505
Emergency Certification

AN ACT CONCERNING CERTAIN AEROSPACE MANUFACTURING PROJECTS

SUMMARY: This act authorizes the Department of Economic and Community Development (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. 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 (referred to as "compliance years" in the act).

Among other things, the eligible company must (1) have a wholly owned subsidiary with its headquarters and production facilities in Connecticut, (2) operate its primary helicopter production facility for its current U.S. government helicopter programs here, and (3) employ at least 7,000 people in the state. The qualifying project (i.e., "aerospace manufacturing project") must, among other things, require the company to undertake and maintain primary production of helicopters in Connecticut under one or more future federal contracts.

Under the act, the commissioner must first certify that the company's aerospace manufacturing project meets specified criteria, including agreeing to minimum requirements for total employment, average employee wages, supplier spend, and capital expenditures, that continue through at least June 30, 2042. Once certified, the commissioner and the company may enter into an assistance agreement that has a minimum 20-year term.

Under the act, if the DECD commissioner determines that the company fails to meet any of the minimum requirements during FYs 23-32, the company must repay the tax benefit that it used for that year and any penalty established under the assistance agreement. The act also establishes a framework for recapturing these tax benefits from FYs 33-42 if the company does not meet the specified thresholds.

Lastly, the act authorizes the DECD commissioner to revise the assistance agreement's terms to address delays preventing the company from entering into these production contracts by June 30, 2024. This may include changing the agreement's timing, minimum requirements, and recapture period.
EFFECTIVE DATE: Upon passage

ELIGIBILITY CRITERIA

Eligible Taxpayers

Under the act, a taxpayer qualifies for the act's tax benefits if it is an aerospace company with a place of business or wholly owned subsidiary headquartered in Connecticut, including any subsidiaries and affiliates it or its wholly owned subsidiary owns. The company must also meet the following criteria when it applies to DECD for certification:

1. employ at least 7,000 people in Connecticut;
2. operate its primary helicopter production facility for its current federal programs here;
3. plan to bid on a helicopter production contract or contracts under one or more federal programs; and
4. have a wholly owned subsidiary with headquarters and production facilities in Connecticut before April 28, 2022.

Eligible Aerospace Manufacturing Project

An eligible "aerospace manufacturing project" is one involving helicopter production in Connecticut that, if certified by the DECD commissioner, will require the following:

1. primary helicopter production to be performed in Connecticut for current federal programs specified in the assistance agreement, as of the date specified in the agreement;
2. undertaking and maintaining primary helicopter production in Connecticut during the assistance agreement's term for one or more of the future federal programs specified in the agreement under production contracts the eligible taxpayer enters into after April 28, 2022; and
3. minimum employment, wage, supplier spend, and capital expenditure requirements by the eligible taxpayer through at least June 30, 2042.

Under the act "production" means the various operations related to completing a helicopter, including procurement, engineering, manufacturing, assembly, integration, and testing.

Certifying Project Eligibility

DECD must certify that the aerospace manufacturing project meets the act's criteria before it may enter into an assistance agreement with the company. Any company seeking certification must apply to the commissioner in a form acceptable to him and include information he prescribes, including the project's term and estimated expenditures and a detailed plan outlining it. The commissioner may also require the company to provide any additional information he needs to certify its eligibility.

Under the act, only the DECD commissioner may decide if a project meets the act's eligibility criteria. His authority to do so is neither a waiver of the state's sovereign immunity nor an authorization for a company to sue the state if he denies its application.

ASSISTANCE AGREEMENT

Once the DECD commissioner certifies the company's aerospace manufacturing project, the act authorizes him to enter into an assistance agreement with a term of at least 20 years. Under this agreement (including any amendments or extensions made to it), the commissioner may agree to provide the company tax benefits for meeting minimum annual requirements and to further induce the company to enter into an aerospace manufacturing project. These benefits may allow the company to first offset its sales and use tax liability for the corresponding compliance year and, if applicable, claim a corporation business tax credit, as described below. Under the act, a "compliance year" covers the same period as a state fiscal year (i.e., July 1 to June 30), from FY 23 to FY 32.

The commissioner may not enter into any assistance agreement under the act after January 31, 2023.

Required Terms

The act requires that the agreement specify the conditions the company must meet to receive the benefits. These include requiring the company to commit to (1) maintaining its wholly owned subsidiary's headquarters (or its successor's) in Connecticut, (2) operating its primary helicopter production facility for current federal government programs here, and (3) undertaking and maintaining its primary helicopter production for any future federal government programs here.

The agreement must also:

1. describe the project's specifications and completion time;
2. establish the minimum requirements the company must meet in each compliance year, as described below;
3. identify the amount of sales and use tax offsets and corporation business tax credits for which the company is eligible for each compliance year if it meets these minimum requirements;
4. establish the terms and conditions for repaying the tax offsets and paying any penalties for failing to comply with the agreement;
5. specify how the company must notify the commissioner about any disputes under the agreement; and
6. include any other terms and conditions the commissioner requires.

Benefit Period

The agreement must require the company to earn and use the tax benefits during the first eight years of any federal helicopter production contract but no later than the "benefit period." Under the act, the benefit period runs from the agreement's effective date to June 30, 2032.

Dispute Resolution

The act allows the company to sue the state in Hartford Superior Court if it disputes a claim under the assistance agreement. The company must (1) first notify the DECD commissioner as the agreement requires and (2) bring the action within two years after providing this notice. The act reserves all legal defenses to the state except sovereign immunity.

Conflicts With Other Statutes

The act specifies that the agreement's provisions supersede any conflicting laws (1) limiting the amount of assistance the DECD commissioner may award under the Manufacturing Assistance Act (MAA), (2) requiring businesses to provide security for any MAA financing they receive, and (3) requiring legislative approval for economic development assistance exceeding specified thresholds.

Allocation Notice

Under the act, after the DECD commissioner and company execute the assistance agreement, the commissioner must issue an allocation notice indicating the (1) maximum amount of sales and use tax offset and refundable tax credit available to the company for the benefit period and (2) requirements the company must meet to qualify for them. The notice must certify to the company that it may claim the offsets and credits if it meets the specified requirements.

Revisions to the Agreement

The act allows the commissioner to revise the assistance agreement's terms to address a delay, not caused by the company, that prevents it from entering into one or more production contracts by June 30, 2024. The revisions may include changes to the timing of the (1) benefit period, (2) compliance years, (3) contract years (i.e., years following the benefit period where the company must continue to meet certain requirements to avoid benefit recapture), (4) minimum requirements (see below), and (5) recapture period. They may also include other conforming changes, so long as the project tax benefit must be earned and used during the production contract's first eight years.

The act also authorizes the commissioner to periodically amend, supplement, or modify the agreement's terms as long as the changes are consistent with the act's provisions.

MINIMUM REQUIREMENTS

The act establishes the minimum conditions the company must meet during each compliance year to qualify for the incentives for each of these years (i.e., "minimum requirements"). These include the following:

1. maintaining its wholly owned subsidiary's headquarters in Connecticut;
2. maintaining and operating the company's primary helicopter production facility for its current federal government programs here;
3. undertaking and maintaining in Connecticut its primary production for helicopters that will be produced (a) during the assistance agreement's term under one or more of the future federal government programs specified in the agreement and (b) under production contracts entered into after April 28, 2022;
4. maintaining diversity and workforce training programs according to the agreement's terms; and
5. achieving the employee, average wage, supplier spend, and capital expenditure requirements for compliance years 23-32, as described below.

Employee Requirement

Under the act, the employee requirement the company must achieve depends on whether it enters into one or two of the federal helicopter production contracts specified in the assistance agreement. If it enters into a contract for one federal program, it must have at least 7,375 full-time employees in Connecticut on average for each compliance year (i.e., employees working at least 35 hours per week, excluding temporary or seasonal workers or anyone who does not receive a federal W-2 form from the company). If it enters into contracts for two federal programs, it must have at least 7,500 full-time employees for each year, on average.

The average number of full-time employees for each compliance year is calculated by adding the number of these employees at the end of each quarter and dividing the total by four.

Average Wage Requirement

Under the act, the company's average annual wage for full-time employees in Connecticut must be no less than the amounts specified in the assistance agreement.

Supplier Spend Requirement

The act requires the wholly owned subsidiary, or the company on the subsidiary's behalf, to annually spend at least the following amounts with supply companies in Connecticut (i.e., total annual spend):

1. $300 million for compliance years 23 and 24,
2. $410 million for compliance years 25-29, and
3. $470 million for compliance years 29-32.

Purchases count toward the total annual spend if the supply company is a commercial business with a "regular place

of business" in Connecticut and supplies goods and services needed to support the company's operations or product manufacturing. Supply companies do not include local, state, or federal revenue collection or taxing entities.

Under the act, the supply company has a regular place of business in Connecticut if it operates a bona fide office, factory, warehouse, or other space in the state at which it regularly and systematically does business in its own name through its employees (1) in regular attendance there and (2) carrying on its business in its own name. Regular places of business do not include (1) the location of a supply company's statutory agent for service of process; (2) temporary offices used only for the duration of the contract; or (3) offices maintained, occupied, or used by a supplier's affiliate.

If an expenditure qualifies for both the supplier spend and capital expenditures requirement described below, the company may choose to count the expenditure toward either of the categories, but not both.

Capital Expenditure Requirement

The act requires that the wholly owned subsidiary achieve annual capital expenditures in Connecticut that meet the minimum amounts shown in the table below.

Capital Expenditure Requirements for Compliance Years 23-32

Compliance Year	*Minimum Amount (millions)*
23	$70.2
24	71.1
25	72.9
26	73.8
27	75.6
28	77.4
29	78.3
30	80.1
31	81.9
32	83.7

"Capital expenditures" are the bona fide costs to the company's wholly owned subsidiary and its subsidiaries for the following:

1. acquiring land, buildings, machinery, equipment, or any combination of them;
2. making site and infrastructure improvements;
3. planning;
4. spending on eligible research and development (R&D), including developing new products and markets (i.e., spending eligible for the state's R&D tax credit); and
5. developing diversification strategies, including preparing plans for regional diversification strategies and hiring consultants needed to complete these plans and strategies.

TAX BENEFITS

The act authorizes two forms of tax benefits under the assistance agreement: a sales and use tax offset and refundable corporation business tax credit, as described below. Generally, the sales and use tax offsets must be claimed first; the company may claim a corporation business tax credit only if it is unable to use all of its allotted offsets.

The act caps the total benefit that may accrue to the company in the form of these incentives (i.e., project tax benefit) over the assistance agreement's term at (1) $6.25 million for each compliance year ($50 million total) or (2) $9.375 million for each compliance year ($75 million total), depending on whether the company enters into federal contracts for one or two helicopter programs, respectively.

Sales and Use Tax Offset

Certification. The act requires that the assistance agreement authorize a sales and use tax offset for the company. After the federal helicopter production contract takes effect, the company must annually certify its actual employment, wages, supplier spend, and capital expenditure amounts to the DECD commissioner under the assistance agreement's requirements and subject to a third-party audit performed according to DECD's audit guide. The company must do so within 60 days

after each compliance year ends or by an extended date if requested by the company and approved by the commissioner.

Calculating and Claiming the Offset. The act requires the DECD commissioner, in consultation with the Department of Revenue Services (DRS) commissioner, to determine the form, timing, and manner of providing the offset. The company must calculate the offset amounts after deducting any sales and use tax exemptions applicable to its purchase. This offset does not limit the company's ability to claim the sales and use tax exemptions for which it otherwise qualifies under existing law (e.g., existing exemptions for aerospace companies, see BACKGROUND).

If the audit (see above) shows that the company claimed an offset that exceeds the allowable amount, the company must repay the offset as specified in the assistance agreement. After the DECD commissioner receives the company's certification at the end of each compliance year, he must tell the DRS commissioner whether the company (1) has met all of the minimum requirements necessary to qualify for the offset or (2) must repay the offset amount in accordance with the assistance agreement's terms.

Refundable Tax Credit

Under the act, if the audit shows that the company is unable to use all of the offset for a compliance year, then the agreement must authorize the company to claim the excess amount as a refundable corporation business tax credit. The credit may be for up to $5 million for each compliance year and $45 million total over the agreement's term.

The company must claim the refundable credit on its corporate tax return for the income year that ends during the compliance year. The act exempts the credit from statutes that (1) limit the total amount of tax credits a corporation may use to reduce its corporation business tax liability and (2) specify the order in which corporations must claim their eligible credits. It instead requires that the company claim the credit after all other credits have been claimed.

Carry Forwards. Under the act, if the excess amount is greater than $5 million for any year, the company may carry forward the excess to future compliance years until it is fully used, but no later than June 30, 2032.

The company may first use the carry forward amount to offset its sales and use tax liability and then as refundable corporation business tax credits of up to $5 million for each compliance year. The company must use the carry forward amount before applying any sales and use tax offset it earns in any future compliance year.

Credit Voucher. The act requires DECD to issue the company a credit voucher that establishes the refundable credit amount allowed and income year for which it may be claimed. It must do so within 30 days after receiving the audit described above, or as provided in the assistance agreement, during each year of the benefit period. The commissioner must annually provide the DRS commissioner with a report detailing these credit vouchers.

REPAYMENT AND RECAPTURE

Repayment During Compliance Years

Under the act, if the DECD commissioner determines that the company failed to meet any of the minimum requirements for a compliance year, the company must repay any project tax benefit that it used for that year and pay any penalty established under the assistance agreement.

Recapture During Contract Years

The act subjects the sales and use tax offset and refundable tax credit to potential recapture for 10 years, from FYs 33 to 42. Specifically, the recapture applies during each 12-month period from July 1, 2032, through June 30, 2042 (i.e., contract years), if the company fails to meet the following requirements as detailed in the assistance agreement:

1. meeting the annual threshold for employee head count, average wages, supplier spend, and capital expenditures detailed in the assistance agreement;
2. maintaining its wholly owned subsidiary's headquarters in Connecticut, as described in the assistance agreement;
3. maintaining and operating the company's primary helicopter production facility for its current federal government programs here;
4. undertaking and maintaining in Connecticut its primary helicopter production that will be produced during the assistance agreement's term under one or more of the future federal government programs specified in the agreement and entered into after April 28, 2022; and
5. maintaining diversity and workforce training programs according to the agreement's terms.

Job Requirement. For each of these contract years, the act establishes a targeted and minimum job requirement that depends on whether the company enters into one or two of the federal helicopter production contracts specified in the assistance agreement. The table below shows these requirements.

Annual Job Requirements From FY 33-42

Job Requirement	*One Program*	*Two Programs*
Minimum Number	6,000	7,000
Targeted Number	7,250	7,750

For any year in which the number of actual jobs is less than the minimum number required, the act requires the company to repay 10% of the aggregate project tax benefits it used (i.e., the "annual recapture amount"). This annual recapture amount is prorated at 90% (i.e., 9% of the aggregate project tax benefits it used) if the number of actual jobs equals or exceeds the minimum but is less than the targeted amount.

The act authorizes the DECD commissioner to establish other requirements (e.g., wage requirements) that apply to recapturing the remaining 10% of the annual recapture amount. However, the total amount of the recapture may not exceed the annual recapture amount.

BACKGROUND

Connecticut Strategic Defense Investment Act

Enacted in 2016 (PA 16-1, Sept. Special Session), this law authorizes a similar framework for providing financial incentives to an eligible aerospace company engaging in a qualifying helicopter manufacturing project in Connecticut. Specifically, the law authorizes DECD to enter into an assistance agreement to provide an eligible company with up to $140 million in bond-funded grants and $80 million in sales and use tax offsets for the manufacturing project over a 14-year term (i.e., July 1, 2018, to June 30, 2032). In exchange, the company must, among other things, maintain minimum levels of employment, payroll, supplier spend, and capital expenditures and keep its primary production facility and subsidiary's headquarters in Connecticut. The annual amount of incentives the company receives depends on the extent to which it meets or exceeds the specified performance requirements (CGS §§ 32-4n & -4o).

PA 22-118—HB 5506
Emergency Certification

AN ACT ADJUSTING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023, CONCERNING PROVISIONS RELATED TO REVENUE, SCHOOL CONSTRUCTION AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET AND AUTHORIZING AND ADJUSTING BONDS OF THE STATE

TABLE OF CONTENTS:

Requires the SDE commissioner to use certain nonlapsing funds from the Open Choice program to provide a grant to the Legacy Foundation of Hartford, Inc.

§ 57 — CONNECTICUT SUMMER AT THE MUSEUM PROGRAM GRANTS

Reserves at least $3.5 million of ARPA funding allocated to DECD for specified grants to for-profit entities as part of the Connecticut Summer at the Museum program

§ 59 — TRIBAL GRANTS

Requires the OPM secretary to distribute $3,000 grants from the Mashantucket Pequot and Mohegan Fund to three tribes for FY 23

§ 60 — YOUTH SERVICES PREVENTION GRANTS

Modifies the list of Youth Services Prevention grant recipients and amounts for FY 23

§ 61 — PLAN FOR FEDERAL REIMBURSEMENT OF LEGAL REPRESENTATION IN CHILD PROTECTION PROCEEDINGS

Requires DCF and the Division of Public Defender Services to develop a plan for receiving federal reimbursement of legal representation in child protection proceedings and enhancing this representation; authorizes the OPM secretary to make up to $150,000 available to the division for specified proceedings

§ 62 — YOUTH SERVICE BUREAU AND JUVENILE REVIEW BOARD PLAN

Requires DCF to develop a plan to expand coverage and improve outcomes for youth service bureaus and juvenile review boards; authorizes the OPM secretary to make up to $2 million of ARPA funding available to DCF to implement the plan

§ 63 — CONNECTICUT PORT AUTHORITY STUDY

Requires the Connecticut Port Authority to study specified port and harbor-related issues and report its findings to the Environment and Appropriations committees by January 1, 2023

§ 64 — MONTHLY OPM REPORT ON CARRYFORWARDS AND ARPA ALLOCATIONS

Requires the OPM secretary to submit a monthly status report to the Appropriations Committee on the carryforwards and ARPA allocations under the FY 22-23 budget and implementer acts

§ 65 — JUDICIAL DEPARTMENT FY 23 ALLOTMENTS FOR VICTIM SERVICE PROVIDERS

Limits the allotment of FY 23 General Fund appropriations and ARPA allocations to the Judicial Department for enhanced funding for victim service providers

§ 66 — CORONAVIRUS CAPITAL PROJECTS FUND GRANT APPLICATION

Requires the OPM secretary to apply to the U.S. Department of the Treasury by January 1, 2023, for certain grant funding under ARPA's Coronavirus Capital Projects Fund program

§ 67 — LEGISLATIVE BRANCH CONTRACTING PROCEDURES

Sets procedural requirements that the Office of Legislative Management must follow when entering into certain goods and services contracts

§ 68 — OFFICE OF AQUATIC INVASIVE SPECIES

Creates an Office of Aquatic Invasive Species within the Connecticut Agricultural Experiment Station; sets out office responsibilities; requires a department head to be hired by September 1, 2022

§§ 69 & 70 — COLLABORATIVE DRUG THERAPY

Makes various changes in state law affecting collaborative drug therapy agreements between certain health care practitioners and pharmacists

§ 71 — PHARMACIST LICENSE RENEWAL

Makes pharmacist licenses renewable annually, rather than biennially; makes the fee $100 annually, rather than $120 biennially

§§ 72-74 — RESERVED SECTIONS

Reserved sections

§§ 75 & 514 — PAYMENTS TO VOLUNTEER FIRE COMPANIES

Requires the state, within available appropriations, to pay volunteer fire companies $500 for each call they respond to on designated highways

§ 76 — LEGALIZED GAMBLING STUDY

Transfers responsibility for the mandated legalized gambling study from DCP to DMHAS and requires the next study to be completed by August 1, 2023; authorizes the DMHAS commissioner to select a contractor to conduct the study; and expands the study's required components

§ 77 — RESIDENT STATE TROOPER FRINGE FUNDING

Beginning FY 23, increases, from 50% to 100%, the portion of the state employees' retirement system fringe recovery rate attributable to the system's unfunded liability that the comptroller must annually pay

§ 78 — RURAL SPEED ENFORCEMENT GRANT PROGRAM

Requires DESPP to administer a grant program, within available resources, to provide grants to eligible municipalities for speed enforcement on rural roads

§ 79 — HEALTH CARE PROVIDER LOAN REIMBURSEMENT PROGRAM

Requires OHE, by January 1, 2023, to establish a program to provide loan reimbursement grants to certain health care providers

§ 80 — COMMUNITY GUN VIOLENCE INTERVENTION AND PREVENTION PROGRAM

Requires DPH to establish a community gun violence intervention and prevention program and annually report to the Public Health Committee, starting by January 1, 2023, on the program's activities

§ 81 — COMMISSION ON COMMUNITY GUN VIOLENCE INTERVENTION AND PREVENTION

Establishes a Commission on Community Gun Violence Intervention and Prevention within DPH for administrative purposes only to advise the commissioner on programs and strategies to reduce the state's community gun violence; requires the commission to annually report its activities to the commissioner and the Public Health Committee starting by January 1, 2023

§§ 82-89 — PROVISION OF FREE MENSTRUAL PRODUCTS

Requires (1) certain government agencies and public and private organizations, starting July 1, 2023 or September 1, 2023, to provide free menstrual products to the people they serve and (2) DPH to set guidelines by July 1, 2022, on how to do this

§ 90 — STATE LIBRARY BOARD CONSULTATION FOR CERTAIN LIBRARY SERVICES

Requires the State Library Board to consult with certain entities before making changes to library services for people with disabilities or who are blind

§ 91 — TRS VALUATIONS

Requires TRS to have an actuarial valuation performed every year, rather than every two years

§ 92 — EQUITY AND THE GOVERNOR'S BUDGET

Requires the governor's budget document to include an explanation of how its provisions advance efforts to ensure equity in the state

§§ 93 & 94 — MUNICIPAL REVENUE SHARING ACCOUNT (MRSA)

Modifies the distribution schedule for municipal revenue sharing grants made to municipalities from MRSA

§ 95 — NEW HAVEN'S PAYMENT IN LIEU OF TAXES GRANT

Allows New Haven to update the assessed valuations it submitted to OPM to calculate its FY 23 PILOT grant

§§ 96-116 & 513 — CONNECTICUT RETIREMENT SECURITY PROGRAM

Eliminates CRSA and makes the Office of the State Comptroller its successor; converts CRSA's board of directors to an advisory board; requires that money spent on the program from the General Fund be reimbursed by October 1, 2023

§ 117 — MILITARY FUNERAL HONORS RIBBONS

Authorizes the adjutant general to issue military funeral honors ribbons

§ 118 — HONOR GUARD PAY INCREASE

Increases, from $50 to $60, the daily pay for each member of an honor guard detail at a veteran's funeral

§§ 119 & 120 — EXPANSION OF DEBT-FREE COLLEGE PROGRAM ELIGIBILITY

Expands the debt-free community college program's eligibility to qualifying first-time, part-time Connecticut community-technical college students

§ 121 — SMALL BUSINESS SEMINARS

Requires BOR, within available funds, to develop seminars to help small businesses adapt to the post-COVID-19 business environment

§ 122 — DAS JOBS OPENINGS WEBSITE

Requires that the DAS website for executive branch job openings include links to job openings in the judicial and legislative branches and the state higher education system

§ 123 — PROJECT LONGEVITY INITIATIVE

Transfers certain responsibilities for the Project Longevity Initiative from OPM to the judicial branch on July 1, 2022

§§ 125-126 — RESERVED SECTIONS

Reserved sections

§ 124 — CERTIFICATE OF NEED TASK FORCE

Creates a task force to study and make recommendations on certificates of need for health care facilities

§ 127 — SERS PENSION COST RECOVERIES

Requires that certain pension cost recoveries be deposited in the SERS pension fund as an additional employer contribution

§ 128 — STATE AGENCY ELECTRIC VEHICLE CHARGING STATIONS

Establishes policies and procedures for using electric vehicle charging stations on state agency property

§ 129 — CANNABIS GENERAL FUND ACCOUNTS AND APPROPRIATED FUNDS

Allows money from a specified General Fund account and appropriated fund, established under the 2021 cannabis law, to be used for costs incurred to implement activities that law authorizes; requires OPM to consult with the Social Equity

Council when allocating certain funds, and allows the council to provide recommendations to state agencies on certain expenditures

§ 130 — LEGISLATIVE BRANCH GOODS AND SERVICES CONTRACT ADVERTISEMENTS

Eliminates the requirement that the Legislative Management Committee advertise certain goods and services bidding opportunities in three newspapers

§§ 131-134 — JUDICIAL COMPENSATION

Increases the salary and other compensation for judges and certain other judicial officials by approximately 5% starting in FY 23

§ 135 — AMBULANCE RATES

Requires the DPH commissioner to proportionally adjust certain ambulance service rates within any increases the DSS commissioner makes to Medicaid ambulance service rates

§ 136 — EMERGENCY MEDICAL SERVICES WORKING GROUP

Requires the DPH commissioner, in collaboration with the DSS commissioner, to establish a working group to examine certain issues related to emergency medical services

§ 137 — MUNICIPAL STORMWATER AUTHORITY FEES

Modifies the partial fee reduction a stormwater authority must provide to property owners by placing more requirements on its availability and establishes an optional reduction; requires the authorities to adopt a procedure for providing fee reductions; eliminates the requirement that grand list valuation be considered when setting stormwater fees

§ 138 — NONUNION RAISES & LUMP SUM PAYMENTS

Requires most nonunion employees to receive the same pay increases as union employees in FYs 22, 23 & 24; requires legislative employees to receive the same lump sum payments as union employees in FYs 22 & 23

§§ 139 & 140 — SALT APPLICATOR TRAINING AND COMMERCIAL APPLICATOR REGISTRATION PROGRAM

Requires DEEP and DOT to work with UConn to conduct training for roadside salt applicators and report to the legislature on the training program; establishes a registration program within DEEP for commercial salt applicators who take the program

§ 141 — LOCAL HEALTH DISTRICT REPORTING SYSTEM

Requires local health districts to create an electronic reporting system for property owners to report sodium chloride damage and health departments to submit the reports to OPM; allows OPM to identify and issue financial assistance to help property owners fix the damage

§ 142 — RESIDENTIAL WATER TREATMENT INFORMATION

Requires residential water treatment system installers to provide certain customers with information about sodium and chloride in their drinking water

§§ 143 & 144 — PREMIUM PAY PROGRAM

Establishes the Connecticut Premium Pay program to provide $200 to $1,000 to certain employees who worked throughout the COVID-19 emergency, depending on their individual income, to recognize and compensate them for their service

§§ 145 & 146 — CLIMATE-SMART AGRICULTURE AND FORESTRY PRACTICES

Expands the farmland restoration program's purposes to include climate-smart agriculture and forestry practices; allows DoAg to (1) pay farmers up to 50% of certain grant funds in advance and (2) pay or reimburse certain entities for services designed to increase the number of farmers using climate-smart agriculture and forestry practices

§ 147 — STROKE REGISTRY

Requires DPH to maintain and operate a stroke registry and establishes a stroke registry data oversight committee within the legislative branch to monitor the registry's activities

§ 148 — TECHNICAL CORRECTIONS DURING CODIFICATION

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

§§ 149-153 — LEAD POISONING PREVENTION AND TREATMENT

Generally lowers the threshold for blood lead levels in individuals at which DPH and local health departments must take certain actions; requires primary care providers to conduct annual lead testing for certain high-risk children ages 36 to 72 months; requires DSS to seek federal approval to amend the state Medicaid plan to add services to address the health impacts of high childhood blood lead levels in Medicaid-eligible children; and requires the DPH commissioner to convene a working group to recommend necessary legislative changes on various lead poisoning prevention and treatment issues

§ 154 — SMALL BUSINESS EXPRESS PROGRAM

Allows DECD to contract with nongovernmental entities in carrying out the Small Business Express program

§ 155 — ECONOMIC ACTION PLAN IMPLEMENTATION AND FUNDING

Allows DECD to establish two new programs through which the department may distribute certain funding for projects that implement the state's Economic Action Plan

§ 156 — HISTORIC REHABILITATION TAX CREDIT PROGRAM FEES

Expands the allowable uses of application fees DECD receives through the Historic Rehabilitation Tax Credit program to include funding certain programs that advance historical preservation

§ 157 — DECD TECHNICAL CHANGE

Makes a technical change to a DECD reporting requirement

§ 158 — RESEARCH AND DEVELOPMENT TAX CREDIT STUDY

Requires the DECD commissioner to study extending the research and development tax credit to pass-through entities

§ 159 — RELEASE-BASED REMEDIATION DRAFT REGULATIONS

Requires the DEEP commissioner give an advisory working group certain draft regulations for a release-based remediation program before adopting them

§ 160 — MODEL STUDENT WORK RELEASE POLICY

Requires (1) the Office of Workforce Strategy's chief workforce officer to develop a model student work release policy and report it to certain legislative committees by July 1, 2023, and (2) all boards of education to adopt it

§ 161 — CANCELLATION OF UNCOLLECTIBLE CLAIMS

Generally increases the maximum uncollectable claim amount that a state department or agency head may cancel from $1,000 to $5,000

§ 162 — REDEMPTION CENTER GRANTS

Allows beverage container recycling grant program funds to be used for expanding redemption centers and eliminates the $150,000 cap on individual grants

§§ 163-167 — CLASS II RPS & SUSTAINABLE MATERIALS MANAGEMENT PROGRAM

Starting in 2023, limits the Class II RPS requirement to only Class II renewable energy sources; requires that the penalties for failing to meet the Class II requirement be used to fund a DEEP-administered sustainable materials management program

§ 168 — RENTSCHLER FIELD ANNUAL BUDGET

Eliminates requirements that the OPM secretary prepare and report on Rentschler Field's annual budget

§ 169 — ENERGY PRODUCTION PLANT PURCHASE

Authorizes the administrative services commissioner to purchase the plant that produces and provides steam and heated and chilled water for the Capitol Area System

§§ 170 & 171 — STATE EMPLOYEE HEALTH PLAN DEPENDENT COVERAGE

Requires certain health insurance coverage for children, stepchildren, or other dependent children of state or nonstate public employees to continue until at least the end of the calendar year after they either (1) obtain coverage through their own employment or (2) turn age 26, whichever occurs first

§§ 172-192 — VARIOUS CHANGES TO TRS

Makes various changes in the TRS statutes, including narrowing the definition of "teacher;" modifying aspects of lump sum payments; increasing the TRS monthly health insurance subsidy to school boards for retirees and their spouses meeting certain conditions; and changing the general TRS subsidy to school boards

§ 193 — PERSONAL CARE ATTENDANTS (PCA) CONTRACT APPROVAL

Approves the memorandum of agreement between the PCA Workforce Council and the New England Health Care Employees Union, District 1199, SEIU

§ 194 — PAID FAMILY MEDICAL LEAVE ANTI-RETALIATION

Prohibits employers from taking certain retaliatory actions against employees under the state's Paid Family and Medical Leave law

§ 195 — REPRODUCTIVE HEALTH CARE SERVICES DEFINITION

Expands the definition of "reproductive health care services" in a recently passed act to include gender dysphoria treatments

§§ 196 & 197 — TOBACCO SETTLEMENT FUND AND TOBACCO AND HEALTH TRUST FUND

Annually redirects $12 million of Tobacco Settlement Fund proceeds from the General Fund to the Tobacco and Health Trust Fund and makes certain changes to the Tobacco and Health Trust Fund's legislative reports

§ 198 — ID CHECKS FOR TOBACCO SALES

Requires sellers, or their agents or employees, to request that each person intending to purchase cigarettes or tobacco products, regardless of apparent age, present a driver's license or identity card to establish that the person is at least 21 years old

§ 199 — DAS REPORT ON STATE AGENCY VACANCIES AND HIRING

Requires DAS to report monthly during FY 23 on the number of vacancies, new hires, and refused employment offers for each state agency

§§ 200-204 — PSYCHEDELIC-ASSISTED THERAPY

Establishes (1) a Psychedelic-Assisted Therapy Pilot Program at the Connecticut Mental Health Center, (2) a fund to administer program grants, and (3) an 11-member advisory board within DMHAS to advise the department on various issues related to this therapy; makes related changes to the potential rescheduling of certain psychedelic substances (PA 22-146, § 28, repeals these sections)

§ 205 — ESSENTIAL WORKERS COVID-19 ASSISTANCE PROGRAM

Expands the program to cover a broader range of essential workers; extends the application deadline until the end of 2022; makes various changes to how the program's benefits must be determined and administered

§ 206 — CLARIFICATION CONCERNING LOCAL APPROVAL OF OUTDOOR DINING

Specifies that local approval of outdoor dining pursuant to PA 22-1, § 2, does not exempt operators from complying with the Liquor Control Act

§ 207 — DOC REPORT ON PRISON SUBSTANCE USE DISORDER AND MENTAL HEALTH SERVICES

Requires DOC to annually review, evaluate, and make recommendations on (1) substance use disorder and mental health services for incarcerated individuals and (2) reintegrating these individuals into the community

§§ 208-209 — RESERVED SECTIONS

Reserved sections

§ 210 — PILOT PROGRAM COLLECTING FIRE AND RESCUE SERVICE DATA

Requires DESPP to establish a three-year pilot program implementing a fire and rescue service data collection system

§ 211 — UNEMPLOYMENT TAX CHANGES

For 2023, reduces the unemployment tax rate that certain new employers must pay by 0.2% and lowers the maximum fund balance tax rate from 1.4% to 1.2%

§§ 212-215 — INSURANCE HOLDING SYSTEM GROUP CAPITAL CALCULATIONS AND LIQUIDITY STRESS TESTS

Generally adopts amendments to the National Association of Insurance Commissioners' Insurance Holding Company System Regulatory Act related to group capital calculations and liquidity stress tests

§ 216 — WORKING GROUP ON CRIMINALIZING COERCION AND INDUCEMENT

Establishes a 10-member working group to develop recommendations for possible legislation to criminalize coercion and inducement as described under federal law

§§ 217-223 — HEALTH CARE BENCHMARKS

Requires OHS to establish benchmarks for health care quality and cost growth and primary care spending targets and allows OHS to identify entities that do not meet them

§ 224 — HEALTH ENHANCEMENT PROGRAMS

Requires health carriers to develop at least two health enhancement programs by January 1, 2024, provide incentives for their use, and cover associated costs

§§ 225 & 226 — CERTIFICATE OF NEED APPLICATION FEE AND TERMINATION OF SERVICES

Increases the certificate of need application fee for health care institutions based on a project's cost; defines "termination of services" to mean ending services for more than 180 days

§§ 227 & 250 — OHS EXECUTIVE DIRECTOR AS STATUTORY DEPARTMENT HEAD

Retains the OHS executive director as a statutory department head and makes a technical change

§ 228 — OPTICAL STORES REMAINING OPEN WITHOUT OPTICIAN PRESENT

Allows optical stores, in limited circumstances, to remain open for up to four consecutive days without an optician's supervision, and limits the activities that the store's owners or employees may perform during these periods

§ 229 — BUDGET RESERVE FUND SURPLUS

Prescribes, through FY 23, the order in which the state treasurer must transfer excess BRF funds to reduce the state's unfunded pension liability

§ 230 — MINIMUM RATE FOR ICF-IIDS

Requires DSS to increase the minimum per diem, per bed rate for ICF-IIDs to $501

§ 231 — DPH STUDENT LOAN REPAYMENT PROGRAM

Requires providers participating in DPH's Student Loan Repayment Program to provide behavioral health services and expands the types of clinicians that the program may recruit

§§ 232 & 233 — MEDICAL ASSISTANCE AND IMMIGRATION

Expands eligibility for state-funded medical assistance provided regardless of immigration status to cover children ages 12 and under, rather than ages 8 and under, and requires children eligible for the assistance to continue receiving it until they are age 19

§ 234 — CHCPE COST SHARING REDUCTION

Reduces, from 4.5% to 3%, the required cost sharing for participants in the state-funded portion of the Connecticut Homecare Program for Elders

§ 235 — COMMUNITY SPOUSE PROTECTED AMOUNT

Increases the minimum amount of assets an institutionalized Medicaid recipient's spouse may keep from $27,480 (in 2022) to $50,000 and requires DSS to report on the change to the Aging, Appropriations, and Human Services committees

§§ 236 & 237 — TEMPORARY FAMILY ASSISTANCE (TFA) STANDARDS

Beginning in FY 23, sets the income limit for the TFA program at 55% FPL, rather than a regional standard

§ 238 — MEDICAID REIMBURSEMENT FOR VENTILATOR BEDS

For FY 23, requires the DSS commissioner to amend the Medicaid state plan to increase the per diem reimbursement rate for chronic disease hospitals by $500 for ventilator beds

§ 239 — FQHC PAYMENTS

Requires DSS to reimburse FQHCs (1) on an all-inclusive encounter rate per client encounter, based on a prospective payment system under federal law, and (2) according to requirements in existing state regulations; prohibits FQHCs from providing nonemergency, periodic dental services on different dates of service to enable billing for separate encounters

§§ 240 & 241 — COMMUNITY HEALTH WORKER GRANT PROGRAM

Transfers DPH's Community Health Worker Grant Program to DSS, increases the individual and aggregate caps on program grants, and extends the program by one year

§ 242 — TEMPORARY FINANCIAL RELIEF FOR NURSING HOMES

Eliminates requirements for how DSS must allocate $10 million in ARPA funds for nursing homes

§ 243 — COMMUNITY OMBUDSMAN PROGRAM

Creates a Community Ombudsman program to, among other things, respond to complaints about long-term services and supports provided in DSS-administered home and community-based programs (repealed and replaced by PA 22-146 §§ 7 & 29)

§§ 244 & 245 — BAN ON NON-COMPETE CONTRACTS

Prohibits contracts between a homemaker-companion agency or home health agency and a client from including a "no-hire" clause

§ 246 — LONG-ACTING CONTRACEPTIVES AT FQHCS

Requires the DSS commissioner to allocate $2 million from FY 23 federal funds allocated to the department, for the purchase and provision of long-acting reversible contraceptives by federally qualified health centers

§ 247 — MEDICAID COVERAGE OF NATUROPATH SERVICES

Requires the state's Medicaid program to cover services provided by licensed naturopaths

§ 248 — BAN ON RECOVERING FEDERAL FUNDS FROM PROVIDERS

Prohibits state agencies that contract with health and human services providers from trying to recover or otherwise offset federal ARPA funds for home- and community-based services

§ 249 — COLAS FOR PROVIDERS CONTRACTING WITH DDS

Requires OPM to disburse unallocated funds for FYs 22 and 23 to state-contracted providers of DDS services as COLAs

§§ 251 & 252 — COVERED CONNECTICUT

Transfers the administration of the Covered Connecticut program from OHS to DSS; expands coverage to include disabled adult children and certain other dependents; replaces a biannual reporting requirement with an annual one beginning in 2024

§ 253 — YOUTH SERVICE BUREAU GRANTS

Makes FY 22 YSB applicants eligible for a state grant

§ 254 — REDUCED TUITION PAYMENTS TO MAGNET SCHOOLS

Beginning in FY 23, lowers the enrollment threshold that triggers the reduced tuition rate for East Hartford's tuition due to magnet schools and applies the same enrollment threshold and reduced tuition rate to Manchester; applies the same enrollment threshold and reduced tuition rate to all other Sheff region towns, New Britain, and New London for FY 23 only; makes SDE financially responsible, within available appropriations, for magnet tuition losses from these reduced tuition rates

§ 255 — ADULT EDUCATION PROGRAM GRANT CAP

Accelerates the grant cap's sunset date by one year

§ 256 — CHARTER SCHOOL OPERATING GRANTS

Increases the charter grant adjustment percentage, from 14.76% to 25.42%, in the FY 23 charter school per-student operating grant formula

§§ 257 & 258 — PARAEDUCATOR PROFESSIONAL DEVELOPMENT

Requires boards of education to provide, and paraeducators to participate in, a professional development program beginning in the 2022-23 school year

§ 259 — OEC EMERGENCY STABILIZATION GRANT PROGRAM

For FYs 23 and 24, requires OEC to administer an emergency stabilization grant program for certain school readiness programs and state-contracted child care centers receiving state financial assistance

§ 260 — BILINGUAL EDUCATION GRANT

Increases funding for the state bilingual education grant from $1.9 million to $3.8 million a year

§ 261 — THE GILBERT SCHOOL STUDY

Requires SDE to study the funding process for The Gilbert School

§ 262 — MAGNET SCHOOL GRANT CHANGE

For FY 22, changes the per student grant amount for Thomas Edison Magnet School in Meriden

§ 263 — CLIMATE CHANGE CURRICULUM

Requires, rather than allows, climate change to be taught as part of the science requirement in public schools

§ 264 — SPECIAL EDUCATION EXPENDITURE STUDY

Requires SDE to compile and analyze school district special education expenditure information and report it to the Appropriations and Education committees by July 1, 2023

§ 265 — SPECIAL EDUCATION EXCESS COST GRANT

Creates a three-tiered reimbursement method, based on each town's property wealth per capita, for determining the special education excess cost grant when the appropriation does not fully fund the grant

§ 266 — ALLIANCE DISTRICT PROGRAM RENEWAL

Renews the alliance district program for five years; requires the commissioner to designate 36, rather than 33, alliance districts

§§ 267-269 — EDUCATION COST SHARING (ECS) GRANTS AND PHASE-IN SCHEDULE

Changes some of the factors used in the ECS phase-in schedule for ECS grant increases and decreases; essentially keeps the yearly changes the same as under prior law

§ 270 — OPEN CHOICE HARTFORD REGION GRANT

Creates an additional $2,000 per-student Open Choice grant for Hartford region school districts that accept out-of-district students

§§ 271-298 & 514 — TECHNICAL AND CONFORMING CHANGES TO MAKE THE CONNECTICUT TECHNICAL EDUCATION AND CAREER SYSTEM (CTECS) AN INDEPENDENT STATE AGENCY

Makes numerous conforming, minor, and technical changes related to transitioning CTECS into an independent agency; addresses specific duties of the CTECS executive director and superintendent; makes conforming changes to maintain CTECS teachers and professional staff as members in TRS

§ 299 — MAGNET SCHOOL SUPPLEMENTAL TRANSPORTATION GRANT

Changes the payment schedule and number of payments for a supplemental transportation grant for Sheff magnet schools

§ 300 — PRIVATE SCHOOL CURRICULUM ACCREDITATION

Requires SBE to allow private school curriculum accreditation by Cognia

§§ 301-305 — FY 22 BUDGET ADJUSTMENTS

Makes deficiency appropriations and corresponding reductions for FY 22 in the General Fund and Special Transportation Fund

§§ 306-320, 358 & 360 — NEW BOND AUTHORIZATIONS FOR STATE AGENCY PROJECTS

Authorizes state GO bonds in FY 23 for various state projects and grant programs

§§ 321-326 — NEW TRANSPORTATION PROJECT AUTHORIZATION

Authorizes up to $20 million in STO bonds for purchasing and installing advanced wrong-way driving technology

§§ 327-329 — CONNECTICUT BABY BOND TRUST PROGRAM

Delays the (1) trust's establishment to July 1, 2023, and (2) program's bond authorization schedule by two years, from FY 23 to FY 25; limits the program's designated beneficiaries to babies born on or after July 1, 2023, rather than July 1, 2021, whose births were covered under HUSKY

§§ 330-331 & 333-357 — CHANGES TO EXISTING AUTHORIZATIONS

Modifies amounts authorized for specified bond authorizations; makes various changes to existing authorizations' purposes

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

Extends, to FY 23, the municipal grant program for purchasing eligible body and dashboard cameras and related equipment and services

§ 359 — DOH HEALTH CARE WORKER HOUSING PROGRAM

Authorizes up to $20 million in GO bonds for DOH to develop housing for health care workers

§ 361 — OFFICE OF COMMUNITY ECONOMIC DEVELOPMENT ASSISTANCE

Establishes a new office within DECD to assist eligible community development corporations; authorizes up to $50 million in state GO bonds to fund its operations and a grant program for certified CDC projects in target areas

§ 362 — SCHOOL CONSTRUCTION GRANT COMMITMENTS

Authorizes eight school construction state grant commitments totaling $137.35 million toward total project costs of $495.34 million; reauthorizes one technical high school project with an additional state grant commitment of $59.55 million, which matches the additional estimated project cost

§§ 363, 372, 375 & 377-379 — SCHOOL SAFETY INFRASTRUCTURE COUNCIL AND SCHOOL BUILDING PROJECTS ADVISORY COUNCIL

Eliminates the School Safety Infrastructure Council and generally transfers its duties to the School Building Projects Advisory Council; adds a ninth member to the advisory council

§ 364 — MAGNET SCHOOLS AND SCHOOL CONSTRUCTION GRANTS

Makes minor and technical changes related to DAS's approval of magnet school construction project grants

§ 365 — CAPITOL REGION EDUCATION COUNCIL (CREC) LONG-RANGE CAPITAL IMPROVEMENT PLAN

Requires CREC to adopt a long-range plan for capital improvement and school building project priorities for magnet schools every five years and a rolling three-year capital plan every year; requires the plans to be submitted to DAS, which in turn must submit them to the legislature

§ 366 — PENALTY FOR SCHOOL CONSTRUCTION PROJECTS FAILING TO MEET MINORITY BUSINESS ENTERPRISE (MBE) SET-ASIDE GOALS

Withholds 5% of a school construction project's reimbursement grant if the applicant does not meet MBE set-aside goals; reduces the amount of a reimbursement grant held back pending an audit from 11% to 5%

§ 367 — SCHOOL BUILDING INDOOR AIR QUALITY GRANT PROGRAM

Requires DAS to administer a reimbursement grant program, beginning in FY 23, for the cost of indoor air quality improvements to school buildings, including the installation, replacement, or upgrading of HVAC systems

§ 368 — HVAC SYSTEM PIPELINE TRAINING PILOT PROGRAM

Requires OWS to establish an HVAC system pipeline training program

§ 369 — INDOOR AIR QUALITY IN SCHOOLS

Generally requires school boards to conduct a uniform inspection and evaluation of the HVAC system in each school building under its jurisdiction every five years; requires the HVAC inspection report to be made public at a school board meeting and online and include any corrective actions; requires the existing air quality inspections to take place every three years rather than five

§ 370 — SCHOOL INDOOR AIR QUALITY WORKING GROUP

Creates a working group to make recommendations about school air quality to the governor and legislature

§ 371 — SCHOOL CONSTRUCTION SPACE STANDARDS

Extends the 25% increase in per-pupil square footage limits in state law for school buildings built before 1950 to include those built before 1959

§ 372 — SCHOOL CONSTRUCTION PRIORITY LIST ADDENDUM

Requires the DAS commissioner to create an addendum to the school construction priority list to include DAS-awarded grants for certain projects lacking legislative approval (i.e., "emergency grants")

§ 373 — EMERGENCY SCHOOL CONSTRUCTION PROJECT APPROVAL

Eliminates the DAS commissioner's authority to approve emergency school construction reimbursement grants for (1) administrative and service facilities and (2) school security projects; removes the requirement that a superintendent notify the DAS commissioner of the need for an emergency grant and formally apply within a certain timeframe

§ 374 — SCHOOL CONSTRUCTION PROJECT COMPLETION AND CLOSURE

Requires school construction grant recipients to submit a project completion notice to DAS within three years after a certificate of occupancy is issued

§ 376 — SCHOOL CONSTRUCTION BIDDING REQUIREMENTS AND CONSTRUCTION MANAGEMENT SERVICES

Eliminates from prior law the (1) newspaper advertising requirement for public invitations to bid on orders and contracts for school construction services and (2) option for a construction manager to self-perform any school construction project element, which was set to take effect beginning on July 1, 2022; requires the construction manager to invite bids on project elements on the State Contracting Portal

§§ 380-405 & 516 — SCHOOL CONSTRUCTION PROJECT EXEMPTIONS, WAIVERS, MODIFICATIONS, AND A REPEAL

Exempts school construction projects in 16 towns and one regional school district from certain statutory and regulatory requirements to allow them 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; repeals a prior project authorization

§ 406 — STATE AND CONNECTICUT AIRPORT AUTHORITY BUILDING PERMIT APPLICATIONS

Eliminates the requirement that building permit applications for certain large-scale state and Connecticut Airport Authority construction projects include two copies of the plans and specifications

§ 407 — STATE BUILDING CODE VARIATIONS, EXEMPTIONS, AND EQUIVALENT OR ALTERNATE COMPLIANCE LIST

Allows DAS to publish the biennial list of State Building Code variations, exemptions, and equivalent or alternate compliance on its website rather than sending it to all local building officials

§ 408 — PROPERTY TAX CREDIT INCREASE

Beginning with the 2022 tax year, increases the property tax credit from $200 to $300 and expands the number of taxpayers who may claim it

§ 409 — EARNED INCOME TAX CREDIT (EITC)

Increases the state EITC from 30.5% to 41.5% of the federal credit starting in the 2023 tax year

§ 410 — EITC ENHANCEMENT PROGRAM

Establishes a personal income tax exemption for income from the 2020 and 2021 EITC enhancement program

§ 410 — PENSION AND ANNUITY TAX EXEMPTION ACCELERATION

Accelerates the pension and annuity income tax exemption phase-in by allowing qualifying taxpayers to deduct 100% of this income beginning with the 2022 tax year

§ 411 — CHILD TAX REBATE

Establishes a one-time rebate for qualifying, domiciled taxpayers in Connecticut equal to $250 for each child, for up to three children

§ 412 — INCOME TAX CREDIT FOR STILLBIRTHS

Establishes a $2,500 income tax credit for the birth of a stillborn child

§§ 413-414 — MOTOR VEHICLE MILL RATE CAP LOWERED

Beginning with FY 23, reduces the motor vehicle mill rate cap from 45 to 32.46 and modifies the reimbursement grant formula; authorizes municipalities and districts to adjust their motor vehicle mill rate for FY 23

§§ 415-418 — ABANDONED PROPERTY PROGRAM

Expands the range of property the treasurer must publish in his abandoned property notice and changes the notice's required format; establishes conditions under which the treasurer may automatically pay abandoned property amounts of less than $2,500 to the property's sole owner; requires the treasurer to notify certain abandoned property owners by mail about the process for verifying their property ownership and claiming it; eliminates aggregate reporting of abandoned property valued at less than $50

§ 419 — STUDENT LOAN PAYMENT TAX CREDIT

Expands the loans eligible for the student loan payment tax credit and allows "qualified small businesses" to apply to the DRS commissioner to exchange the credit for a refund

§§ 420-424 — JOBSCT TAX REBATE PROGRAM

Establishes the JobsCT tax rebate program under which companies in specified industries may earn rebates against the insurance premiums, corporation business, and pass-through entity taxes for reaching certain job creation targets

§ 425 — EXPANDED MANUFACTURING APPRENTICESHIP TAX CREDIT

Extends the manufacturing apprenticeship tax credit to the pass-through entity tax for tax years beginning on or after January 1, 2022

§ 426 — BRAINARD AIRPORT PROPERTY STUDY

Requires DECD to have an analysis conducted on the benefits and opportunity costs to Hartford and the state of the current and alternative uses of the Hartford Brainard Airport property; generally prohibits the CAA from further encumbering the property

§§ 427 & 428 — XL CENTER RETAIL SPORTS WAGERING PROCEEDS

Provides the Capital Region Development Authority with the proceeds from retail sports wagering at the XL Center to operate the facility; requires the Connecticut Lottery Corporation president to monthly estimate and certify this amount

§ 429 — SALES AND USE TAX REFUNDS FOR BEER AND WINE MANUFACTURERS

Extends certain manufacturing-related sales and use tax exemptions to holders of manufacturer permits for a farm winery and wine, cider, and mead; allows these same permittees and manufacturer permittees for beer to receive a sales and use tax refund on these manufacturing-related purchases made from July 1, 2018, through July 1, 2023

§ 430 — SALES AND USE TAX EXEMPTION FOR WATER COMPANIES

Exempts certain water company purchases from sales and use tax

§ 431 — GAS TAX HOLIDAY

Extends through November 30, 2022, the suspension of the 25-cent-per-gallon motor vehicle fuels tax on gasoline and gasohol

§ 432 — MOTOR VEHICLE FUELS TAX REFUND FOR EMERGENCY MEDICAL SERVICE ORGANIZATIONS

Allows EMS organizations to get a motor vehicle fuels tax refund for fuel used in ambulances the organization owns

§§ 433 & 434 — MUNICIPAL GAS COMPANY GROSS EARNINGS TAX EXEMPTION

Beginning July 1, 2022, exempts municipal gas utilities from the utility companies tax

§ 435 — ADMISSIONS TAX ON MOVIES ELIMINATED

Eliminates the 6% admissions tax on movie tickets beginning in 2023

§§ 436 & 515 — AMBULATORY SURGICAL CENTER TAX REPEAL

Eliminates the ASC tax beginning July 1, 2022

§ 437 — SPONSORED CAPTIVE AND ASSOCIATION CAPTIVE INSURER DEFINITIONS

Changes definitions as they relate to statutes governing captive insurers to, among other things, incorporate sponsored captives

§§ 437 & 439-444 — FOREIGN BRANCH CAPTIVES

Allows foreign captive insurers to open a branch in Connecticut and generally subjects them to requirements applicable to alien captives

§ 438 — TAX AMNESTY PROGRAM

Creates a tax amnesty program for insureds that open a branch captive in, or transfer an alien or foreign captive to, Connecticut by June 30, 2023

§§ 440, 443 & 445-448 — CAPTIVE INSURER CAPITAL, EXAMINATION, REINSURANCE, AND DORMANCY REQUIREMENTS

Makes several changes to the captive insurer licensing statutes, including by potentially reducing minimum capital and surplus requirements.

§§ 449-456 & 514 — STATE RECOVERY OF PUBLIC ASSISTANCE BENEFITS

Prohibits the state from recovering properly paid cash or medical assistance unless required to do so under federal law; releases liens and claims filed before July 1, 2022, to recover assistance when recoveries are not required under federal law or associated with child support collection

§§ 457 & 458 — COST OF INCARCERATION

Regarding the state's claim for incarceration costs, (1) exempts up to $50,000 of an inmate's other assets, except those of inmates incarcerated for certain serious crimes, and (2) makes the state's lien against lawsuit proceeds applicable only to inmates incarcerated for certain serious crimes

§ 459 — OEC START EARLY – EARLY CHILD DEVELOPMENT INITIATIVE

Requires OEC to establish and administer the Start Early - Early Child Development Initiative; allows OEC to use funds the state received through the American Rescue Plan Act to administer it

§ 460 — TAX INCIDENCE STUDY

Expands the scope of the DRS tax incidence study; moves the deadline for the next study from February 15, 2024, to December 15, 2023

§ 461 — TOWN AID ROAD REPORTING

Requires each town or district that received TAR funds to annually report to the transportation commissioner on how the funds were used

§ 462 — ADVANCED NOTICE OF ROAD PROJECTS

Requires municipalities, utility companies, and OPM to submit certain reports related to (1) advanced notice of road projects affecting utility infrastructure and (2) inspection procedures upon project completion

§§ 463 & 464 — 30-YEAR MUNICIPAL BONDS

(1) Makes permanent an authorization allowing municipalities to issue bonds with a term of up to 30 years and (2) extends this authorization by five years for refunding bonds

§ 465 — ENTERPRISE ZONE DESIGNATION REMOVAL

Prohibits the DECD commissioner from removing an enterprise zone's designation under specified conditions

§§ 466 & 467 — COMMERCIAL DRIVER'S LICENSE TRAINING PROGRAM

Requires OWS to design and implement a program to support individuals pursuing commercial driver's license (CDL) training; establishes a nonlapsing account within OWS to support the program; establishes a Connecticut Career Accelerator Program Advisory Committee

§ 468 — PROPERTY APPRAISAL REQUIREMENT FOR APPEALS § 12-117A

Requires certain property owners who appeal their real property's valuation to the Superior Court to file a property appraisal with the court

§§ 469 & 470 — CRDA'S SOLICITATION OF PRIVATE INVESTMENTS

Authorizes CRDA to solicit private investment funds from companies for projects it undertakes; establishes conditions under which businesses may make these investments if one of their officers, directors, shareholders, or employees is a CRDA board member

§ 471 — REDUCED FY 23 TRANSFER OF AMERICAN RESCUE PLAN ACT FUNDS

Eliminates the FY 22 transfer to the General Fund from designated ARPA funds and reduces the FY 23 transfer from $1,194.9 million to $314.9 million

§ 472 — ARPA HOME AND COMMUNITY-BASED SERVICES FUNDS

Requires the state comptroller to reserve $83.2 million of General Fund revenue received under ARPA for home and community-based services in FY 22 to be used for federal revenue collections in FY 23

§ 473 — REVENUE TRANSFER FROM FY 22 TO FY 23

Requires the comptroller to transfer $125 million of FY 22 General Fund resources for use in FY 23

§§ 474-481 — REVENUE ESTIMATES

Modifies previously adopted revenue estimates for FY 23

§ 482 — DOH RENT BANK GRANT ASSISTANCE

Increases the maximum amount of grant assistance families may receive under DOH's Rent Bank Program and eliminates a related eligibility requirement

§ 483 — SALES TAX REMITTANCE FOR CERTAIN MARKETPLACE FACILITATORS

Exempts marketplace facilitators that facilitate passenger motor vehicle and truck rentals on behalf of rental companies from sales tax collection and remittance requirements on behalf of these sellers

§§ 484-488 — PROTECTIONS FOR REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES IN THE STATE

Establishes a cause of action for persons against whom there is an out-of-state judgment based on reproductive and gender-affirming health care services; limits the assistance officers of Connecticut courts, public agencies, and certain health care providers may deliver in actions related to reproductive or gender-affirming health care services that are legal in this state

§ 489 — PROVIDERS AUTHORIZED TO PERFORM ABORTIONS

Allows APRNs, nurse-midwives, and PAs to perform aspiration abortions; explicitly authorizes these providers to perform medication abortions, conforming to a 2001 attorney general opinion; makes related changes

§ 490 — ARPA FUNDS FOR SCHOOL-BASED HEALTH CENTERS

Specifies the allocation of ARPA funding for four school-based health centers

§ 491 — MINIMUM BUDGET REQUIREMENT (MBR) EXEMPTION

Exempts Stratford's school board from the MBR in FY 23

§ 492 — SCHOOL CONSTRUCTION MINIMUM REIMBURSEMENT RATES FOR CERTAIN TOWNS

Creates a minimum school construction reimbursement grant rate for certain towns

§§ 493-496 — CHILDHOOD IMMUNIZATION REGISTRY AND TRACKING SYSTEM

Replaces DPH's childhood immunization registry and tracking system ("CIRTS") with an immunization information system ("CT WiZ") that provides access to a person's own immunization records to all recipients, instead of only children under age six

§§ 497-509 — MOTOR VEHICLE ASSESSMENTS

Changes motor vehicle property tax assessment laws, principally to (1) exempt certain snowmobiles, all-terrain vehicles, and utility trailers; (2) value motor vehicles based on the manufacturer's suggested retail price (MSRP) and a 20-year depreciation schedule; (3) increase the frequency with which DMV must provide motor vehicle registration information to municipalities; (4) modify the timeline for supplemental property taxes on vehicles registered after the start of the assessment year; (5) give taxpayers more time to claim a property tax credit for motor vehicles that were stolen, sold, totaled, or moved out of state; and (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

§§ 510-512 — BOWLING ESTABLISHMENT PERMITS

Makes minor, technical, and conforming changes to replace references to obsolete permits that no longer exist (e.g., bowling establishment permits) with references to the recently restructured club and nonprofit club permits

§ 517 — STATE CONTRACTING STANDARDS BOARD LAPSE REPEAL

Repeals a 2021 implementer provision requiring a partial lapse of SCSB's FY 23 appropriation

§§ 1-9 — FY 23 APPROPRIATIONS

Increases FY 23 appropriations for eight appropriated funds

The act increases FY 23 appropriations for state agency operations and programs for eight of the state's appropriated funds, as shown in the table below.

Changes in FY 23 Net Appropriations by Fund

§	Fund	FY 23 Net Appropriation		
		Prior Law	Act	Increase
1	General Fund	$21,534,334,736	$22,089,151,832	$554,817,096
2	Special Transportation Fund	1,809,830,975	1,826,161,303	16,330,328
3	Mashantucket Pequot and Mohegan Fund	51,472,796	51,481,796	9,000
4	Banking Fund	29,521,021	29,710,672	189,651
5	Insurance Fund	122,471,874	123,155,240	683,366
6	Consumer Counsel and Public Utility Control Fund	30,976,441	32,716,567	1,740,126
7	Workers' Compensation Fund	26,955,096	27,257,008	301,912
8	Criminal Injuries Compensation Fund	2,934,088	2,934,088	0
9	Tourism Fund	13,069,988	13,444,253	374,265

EFFECTIVE DATE: July 1, 2022

§§ 10-11 & 58 — ARPA ALLOCATION ADJUSTMENTS

Modifies ARPA funding allocations for FYs 22-24 and adds new allocations for FY 25

The act adjusts federal American Rescue Plan Act (ARPA) funding allocations for FYs 22-24 and adds new allocations for FY 25. The adjustments result in a net increase of $1.7523 billion in new allocations for a range of initiatives and programs. (PA 22-146, §§ 1 & 17, makes additional adjustments to the allocations and a technical correction that result in no net change to the total.)

Additionally, the act requires that any of the amounts allocated from ARPA's Coronavirus State Fiscal Recovery Fund allocations, made under the FY 22-23 budget act or this act, remain available for expenditure until December 31, 2026.
EFFECTIVE DATE: Upon passage

§§ 12-55 — CARRYFORWARDS AND TRANSFERS

Modifies and expands carryforwards and transfers of FY 20-21 appropriations in the FY 22-23 budget act and requires that these amounts not lapse and continue to be available during FY 23; carries forward to FY 23 various unspent balances from FY 22 and transfers specified amounts to other agencies and accounts; transfers designated amounts from the General Fund and community investment account to other purposes for FY 22 and FY 23, respectively

Funds Carried Forward and Transferred From FY 20-21 Appropriations (§ 12)

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 some of these transfers and adds new ones, as shown in the tables below.

Under the act, any of these amounts transferred and made available for FY 22 must not lapse and instead must continue to be available for the same purpose during FY 23. If any of these unspent balances are not transferred to the specified purposes, the funds must not lapse in FY 22 and instead must continue to be available in FY 23 for their original purpose (i.e., the same purpose as they were available for during FY 21).

Like prior law, the act makes the transferred amounts ineligible for fringe benefit recovery from the state comptroller's General Fund fringe benefit accounts by UConn, the UConn Health Center, or Connecticut State Colleges and Universities (CSCU).

Adjustments to Uses of the Funds Carried Forward From FY 20-21

§	*FY 22-23 Budget Act*			*This Act*
	Agency	*Amount (up to) and FY*	*Account and Purpose*	
12(b)(2)	Office of Policy and Management (OPM)	$13,150,000 in each of FY 22 and 23	Private Providers: Cost-of-living adjustment (COLA) for private providers of state-administered human services in various contracting agencies	Clarifies that the COLA is directed to the private providers, rather than state agency employees that provide these services
12(b)(15)	Department of Energy and Environmental Protection (DEEP)	$5,000,000 in FY 22	Solid Waste Management: establish and administer a program to support solid waste reduction strategies, including a redemption center grant program	(1) Extends the carryforward to FYs 23 and 24 and (2) allows DEEP to use a portion of the funds to contract with independent third parties with expertise in solid waste management and infrastructure, including anaerobic digestion, to provide services to the department and municipalities (e.g., technical assistance and consulting)
12(b)(24)	Department of Agriculture (DoAg)	$250,000 in each of FY 22 and 23	Other Expenses: Connecticut Veterinary Medical Diagnostic Laboratory	(1) Transfers the carryforward from DoAg to UConn and (2) limits it to up to $250,000 in FY 23
12(b)(37)	DEEP	$3,000,000 in FY 22	Other Expenses: grants to the Eastern Pequot, Schaghticoke, and Golden Hill Paugussett tribes for specified purposes	Directs the prior $1 million grant to the Schaghticoke Tribe for design and construction of a cemetery retaining wall to the Schaghticoke Tribal Nation for designing and constructing (1) fencing and a stone retaining wall on cemetery grounds, (2) bathroom and storage facilities, and (3) a well and septic system
12(b)(44)	Department of Economic and Community Development (DECD)	$6,150,000 in FY 22 and $5,050,000 in FY 23	Other Expenses: various grants	Redirects the following grant amounts: • $100,000 in each of FY 22 and 23 to Queer Youth

§	FY 22-23 Budget Act			This Act
	Agency	Amount (up to) and FY	Account and Purpose	
				Programming of CT, rather than True Colors, Inc. • $35,000 in each of FY 22 and 23 to New Covenant Center, rather than Covenant Center – Stamford • $100,000 in each of FY 22 and 23 to Boys & Girls Club of Southeastern Connecticut, rather than the New London Boys and Girls Club • $250,000 in each of FY 22 and 23 to Charter Oak Temple Restoration Association, Inc., rather than Youth Arts • $50,000 in each of FY 22 and 23 to Justice Education Center, rather than Justice Action Center • $15,000 in each of FY 22 and 23 to Schoke Jewish Family Services, rather than Stocke Jewish Center

Additional FY 23 Uses of the Funds Carried Forward From FY 20-21

§	Agency	Account and Purpose	Amount (up to)
12(b)(47)	Secretary of the State	Other Expenses: elections security and a public education campaign	$2,000,000
12(b)(48)	OPM	Reserve for Salary Adjustments: support accrued wage payouts and increase funding for state employees and National Guard premium pay	28,861,306
12(b)(49)	Department of Administrative Services (DAS)	Workers' Compensation Claims: claims settlement	15,000,000

§	Agency	Account and Purpose	Amount (up to)
12(b)(50)	Department of Emergency Services and Public Protection (DESPP)	Other Expenses: police and public safety officer training	500,000
12(b)(51)	Department of Labor (DOL)	Personal Services: unemployment system restructuring	459,159
12(b)(52)	DOL	Other Expenses: unemployment system restructuring	200,000
12(b)(53)	DOL	Other Expenses: enhanced employee wage record reporting	235,000
12(b)(54)	Commission on Human Rights and Opportunities (CHRO)	Personal Services: durational staff	441,320
12(b)(55)	CHRO	Other Expenses: affirmative action process automation	200,000
12(b)(56)	Department of Public Health	Other Expenses: information technology costs related to water well oversight	50,000
12(b)(57)	Office of Early Childhood (OEC)	Nurturing Families Network: home visiting program	1,000,000
12(b)(58)	UConn	Operating Expenses: 27th payroll	7,991,695
12(b)(59)	UConn Health Center	Operating Expenses: 27th payroll	5,129,011
12(b)(60)	UConn Health Center	AHEC: 27th payroll	14,455
12(b)(61)	CSCU	Community Technical College System: 27th payroll	4,866,346
12(b)(62)	CSCU	Connecticut State University: 27th payroll	5,026,555
12(b)(63)	CSCU	Charter Oak State College: 27th payroll	107,099
12(b)(64)	DECD	Other Expenses: nonstop air service to Jamaica	2,000,000
12(b)(65)	DEEP	Personal Services: interim staff support for the federal infrastructure bill's implementation	100,000
12(b)(66)	Governor's Office	Personal Services: interim staff support for the federal infrastructure bill's implementation	100,000
12(b)(67)	Department of Revenue Services (DRS)	Personal Services: interim staff support for the federal infrastructure bill's implementation	200,000
12(b)(68)	OPM	Personal Services: interim staff support for the federal infrastructure bill's implementation	100,000
12(b)(69)	DoAg	Other Expenses: seized animal care	200,000
12(b)(70)	DoAg	Other Expenses: climate smart farming	7,000,000
12(b)(71)	DEEP	Other Expenses: voucher program for (1) medium and heavy-duty zero-	10,000,000

§	Agency	Account and Purpose	Amount (up to)
		emission vehicles and buses and (2) installing electric vehicle charging infrastructure	
12(b)(72)	DEEP	Other Expenses: Sustainable Material Management Grant program	5,000,000
12(b)(73)	DAS	Other Expenses: state property maintenance	915,460
12(b)(74)	Department of Transportation (DOT)	Personal Services: interim staff support for the federal infrastructure bill's implementation	100,000
12(b)(75)	Auditors of Public Accounts	Personal Services: accrual payments	200,000
12(b)(76)	Attorney General	Other Expenses: data security consultants	250,000
12(b)(77)	DECD	Other Expenses: grant to Ball and Socket Arts in Cheshire	300,000
12(b)(78)	DECD	Other Expenses: grant to Stepping Stones Museum in Norwalk	100,000
12(b)(79)	DECD	Other Expenses: grant to Sprague for streetscape improvements (i.e., the same LED streetlights used in Baltic)	1,300,000
12(b)(80)	DECD	Other Expenses: grant to Amistad Center for Art and Culture of Hartford	100,000
12(b)(81)	Department of Social Services (DSS)	Other Expenses: grant to Mothers United Against Violence	100,000
12(b)(82)	State Department of Education (SDE)	Other Expenses: grant to East Hartford Little League	75,000
12(b)(83)	SDE	Other Expenses: grant to Connecticut Interscholastic Athletic Conference	50,000
12(b)(84)	DECD	Other Expenses: grant to Beta Iota Boule Foundation of West Hartford	100,000
12(b)(85)	UConn	Operating Expenses: certification training for Green SnowPro roadside salt applications	142,000
12(b)(86)	DESPP	Other Expenses: deadly weapon offender registry document management system	95,605
12(b)(87)	OPM	Other Expenses: Housatonic River debris removal	150,000
12(b)(88)	DESPP	Personal Services: durational grant administrator	104,000
12(b)(89)	OEC	Early Child Care Provider Stabilization Payments: wage supplement and child care enhancement grant program	20,000,000
12(b)(90)	DAS	Other Expenses: elevator inspections by individuals having equal or greater qualifications to state elevator inspectors	2,500,000
12(b)(91)	DECD	Other Expenses: Brainard Airport study	1,500,000

§	Agency	Account and Purpose	Amount (up to)
12(b)(92)	OPM	Reserve for Salary Adjustments: accrued payouts	11,450,000
12(b)(93)	OPM	Other Expenses: grant to the University of Hartford's Rell Center	50,000
12(b)(94)	DECD	Other Expenses: grant to the Slater Memorial Museum of Norwich	500,000

Funds Carried Forward to FY 23 (§§ 17-18, 26, 32-33, 35-36 & 38)

The act carries forward to FY 23 various unspent balances appropriated for FY 22. It requires that these funds be used for the same or another purpose by the same agency, as indicated in the table below.

Funds Carried Forward to FY 23 for the Same or Different Purposes

§	Agency	Prior Purpose	New Purpose	Amount
17	Office of Health Strategy	Other Expenses	Biennial statewide health care facilities and services plan	Up to $400,000
18(a)	DOT	Rail Operations	Pay-As-You-Go Transportation Projects: matching funds for projects funded in whole or part by the federal Infrastructure Investment and Jobs Act	Up to $50,000,000
18(b)	DOT	Bus Operations	Pay-As-You-Go Transportation Projects: matching funds for projects funded in whole or part by the federal Infrastructure Investment and Jobs Act	Up to $50,000,000
26	Judicial Department	Counsel for Domestic Violence	Same	Unspent balance
32	Workers' Compensation Commission	Personal Services	Same	Up to $200,000
33	Judicial Department	Justice Education Center	Career pathways program	Up to $150,000
35	DOL	Other Expenses	Domestic workers education training grants	Unspent balance
36	Judicial Department	Other Expenses	Same	Unspent balance
38	DOT	Personal Services	Public safety related to free bus services	Up to $780,000

Funds Carried Forward and Transferred (§§ 13-14, 19-25, 27-31, 34, 39-54)

The act carries forward to FY 23 various unspent balances from FY 22 and transfers the amounts to the agencies and accounts shown in the table below.

Funds Carried Forward and Transferred

§	*Transferred From*		*Transferred To*		*Amount (up to)*
	Agency	*Purpose*	*Agency*	*Purpose*	
13	DSS	Medicaid	OPM	Reserve for Salary Adjustments: accrued leave payouts	$9,688,694
14	DSS	Medicaid	DOL	Personal Services: personal services and fringe benefit costs for DOL staff for the unemployment insurance program's increased caseload due to the COVID-19 pandemic*	25,000,000
19	DSS	Medicaid	SDE	Operating Expenses: social workers study	150,000
20	DSS	Medicaid	SDE	Operating Expenses: study on mental health issues in high school athletes	100,000
21	DSS	Medicaid	Department of Mental Health and Addiction Services (DMHAS)	Operating Expenses: gaming study	1,250,000
22	DSS	Medicaid	DoAg	Operating Expenses: Grant to Brass City Food Hub in Waterbury	125,000
23	Office of Legislative Management (OLM)	Personal Services	OLM	Operating Expenses: removal of John Mason statute from the State Capitol building	100,000
24	DSS	Medicaid	OPM	Reserve for Salary Adjustments: non-union wage adjustments	23,000,000
25	DSS	Medicaid	Judicial Department	Operating Expenses: study of inmate mental health by the Connecticut Sentencing Commission, in consultation with the Institute for Municipal and Regional Policy	500,000
27	Office of the State Comptroller (OSC)	Fringe Benefits for Pensions and Retirements – Other Statutory	Board of Regents	Community Technical Colleges: e-commerce training program	65,000
28	OSC	Fringe Benefits for Pensions and Retirements – Other Statutory	SDE	Operating Expenses: Unified School District 1 study	50,000

§	Transferred From		Transferred To		Amount (up to)
	Agency	Purpose	Agency	Purpose	
29	OSC	Fringe Benefits for Pensions and Retirements – Other Statutory	DESPP	Operating Expenses: police crisis intervention training	100,000
30	OSC	Fringe Benefits for Pensions and Retirements – Other Statutory	DECD	Operating Expenses: grant to American Legion Post 85 in Baltic	4,000
31	Department of Motor Vehicles	Personal Services	DOT	Operating Expenses: Connecticut Port Authority dredging study	3,000,000
34	DSS	Medicaid	DECD	Other Expenses: Coast Guard Academy's Office of Military Affairs library	1,000,000
39	DSS	Medicaid	DSS	Community Residential Services: group home workers	16,500,000
40	DSS	Husky B Program	N/A	Connecticut premium pay account	1,000,000
41	DSS	State Administered General Assistance Program	N/A	Connecticut premium pay account	2,000,000
42	DSS	Temporary Assistance to Needy Families Program	N/A	Connecticut premium pay account	3,000,000
43	Department of Correction	Inmate Medical Services	N/A	Connecticut premium pay account	10,000,000
44	OSC	Unemployment Compensation Program	N/A	Connecticut premium pay account	3,000,000
45	OSC	Employers Social Security Tax	N/A	Connecticut premium pay account	4,000,000
46	OSC	Other Post Employment Benefits	N/A	Connecticut premium pay account	5,000,000
47	OSC	SERS Defined Contribution Match	N/A	Connecticut premium pay account	2,000,000
48	SDE	Magnet Schools	UConn	Operating Support: temporary operating support	5,000,000
49	SDE	Open Choice	UConn	Operating Support: temporary operating support	2,500,000
50	Department of Housing (DOH)	Housing Homeless Services	UConn Health Center	Operating Support: temporary operating support	4,500,000

§	Transferred From		Transferred To		Amount (up to)
	Agency	Purpose	Agency	Purpose	
51	DSS	Personal Services	UConn Health Center	Operating Support: temporary operating support	3,000,000
52	DSS	Husky B Program	OLM	Personal Services: additional personal services	3,000,000
53	Division of Criminal Justice	Personal Services	DRS	Other Expenses: child care tax credit administration	375,000
54	DMHAS	Personal Services	DEEP	Personal Services: durational staff	1,500,000

*§ 14: The act makes these funds ineligible for fringe benefit recovery from the state comptroller's General Fund fringe benefit accounts.PA 22-146, § 2, additionally authorizes the funds to be used for indirect overhead costs for these staff.

Transfers From the General Fund (§§ 15 & 16)

The act transfers $20.8 million from the General Fund for FY 22 to specified accounts and funds, as shown in the following table.

FY 22 Transfers From the General Fund

§	Account or Fund	Amount
15	Firefighters cancer relief account	$800,000
16	UConn Health Center Medical Malpractice Trust Fund	20,000,000

Transfers From the Community Investment Account (§ 55)

The act transfers $20 million in FY 23 from the community investment account for the agencies and purposes shown in the following table.

FY 23 Transfers From the Community Investment Account

Agency	Purpose	Amount
DoAg	Implement a farm manure management system program	$5,000,000
DOH	Eviction prevention: • Project longevity housing vouchers in Hartford, Waterbury, Bridgeport, and New Haven ($2,000,000) • Rent bank ($1,500,000) • Coordinated access networks ($1,500,000)	5,000,000
DECD	Historic preservation	5,000,000
DEEP	Open space	5,000,000

EFFECTIVE DATE: Upon passage

§ 37 — ALLOTMENT REDUCTIONS

Prohibits the OPM secretary from reducing allotments to implement budgeted lapses if the budget is projected to be in surplus

The act prohibits the OPM secretary from reducing allotments to implement budgeted lapses if the budget is projected to be in surplus.
EFFECTIVE DATE: Upon passage

§ 56 — OPEN CHOICE PROGRAM NONLAPSING FUNDS

Requires the SDE commissioner to use certain nonlapsing funds from the Open Choice program to provide a grant to the Legacy Foundation of Hartford, Inc.

By law, when student enrollment in Open Choice is less than the number for which funds are appropriated, the excess funds do not lapse but remain available for supplemental grants to receiving districts. By law, the SDE commissioner must use the (1) first $500,000 of any excess funds for supplemental grants to districts that have at least 10 Open Choice students attending the same school and (2) next $500,000 for supplemental pro rata grants to receiving districts that report to the commissioner before March 1 that they have enrolled more Open Choice students than they did the year before.

The act requires the SDE commissioner to use any of the latter pool of funds to provide a grant to the Legacy Foundation of Hartford, Inc., to provide wrap-around services for students participating in the Open Choice program. However, it does not supersede the existing requirement for the commissioner to use these funds to make the supplemental pro rata grants.
EFFECTIVE DATE: July 1, 2022

§ 57 — CONNECTICUT SUMMER AT THE MUSEUM PROGRAM GRANTS

Reserves at least $3.5 million of ARPA funding allocated to DECD for specified grants to for-profit entities as part of the Connecticut Summer at the Museum program

The act reserves, from the ARPA funding allocated to DECD for the Connecticut Summer at the Museum program, at least $3.5 million for grants to for-profit entities as part of the program.
EFFECTIVE DATE: July 1, 2022

§ 59 — TRIBAL GRANTS

Requires the OPM secretary to distribute $3,000 grants from the Mashantucket Pequot and Mohegan Fund to three tribes for FY 23

The act requires the OPM secretary to distribute a $3,000 grant to each of the Schaughticoke, Paucatuck Eastern Pequot, and Golden Hill Paugusset tribes in FY 23. 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, but may not use them in connection with any legal claim against the state or federal government.
EFFECTIVE DATE: Upon passage

§ 60 — YOUTH SERVICES PREVENTION GRANTS

Modifies the list of Youth Services Prevention grant recipients and amounts for FY 23

The act modifies the list of Youth Services Prevention grant recipients and amounts for FY 23.
EFFECTIVE DATE: Upon passage

§ 61 — PLAN FOR FEDERAL REIMBURSEMENT OF LEGAL REPRESENTATION IN CHILD PROTECTION PROCEEDINGS

Requires DCF and the Division of Public Defender Services to develop a plan for receiving federal reimbursement of legal representation in child protection proceedings and enhancing this representation; authorizes the OPM secretary to make up to $150,000 available to the division for specified proceedings

The act requires DCF and the Division of Public Defender Services to jointly develop a plan to achieve federal reimbursement of legal representation in child protection proceedings and enhance this representation. The plan must include (1) recommendations for any necessary interagency agreement and legislation, (2) a projected budget, and (3) an implementation schedule. The agencies must submit the plan to the OPM secretary by January 1, 2023.

Upon receiving the plan, the secretary may make up to $150,000 available to the division for assigned legal counsel for a child or youth participating in a considered removal child and family team meeting. The meeting may be convened by DCF, the child's or youth's parent or guardian, or another person with custody or control of the child or youth.

EFFECTIVE DATE: Upon passage

§ 62 — YOUTH SERVICE BUREAU AND JUVENILE REVIEW BOARD PLAN

Requires DCF to develop a plan to expand coverage and improve outcomes for youth service bureaus and juvenile review boards; authorizes the OPM secretary to make up to $2 million of ARPA funding available to DCF to implement the plan

The act requires DCF to develop a plan to expand coverage and improve outcomes for youth service bureaus and juvenile review boards in the state. The plan must include recommendations to (1) expand their coverage to all municipalities, (2) increase the adoption of evidence-based and quality assurance practices, (3) provide staff training, and (4) develop a data collection and reporting system.

By August 1, 2022, DCF must submit the plan to the OPM secretary and Juvenile Justice Policy and Oversight Committee. Upon receiving the plan, the OPM secretary may make up to $2 million of DCF's FY 23 ARPA allocation available for its implementation.

EFFECTIVE DATE: Upon passage

§ 63 — CONNECTICUT PORT AUTHORITY STUDY

Requires the Connecticut Port Authority to study specified port and harbor-related issues and report its findings to the Environment and Appropriations committees by January 1, 2023

The act requires the Connecticut Port Authority to study (1) the beneficial re-use of dredge materials, (2) marsh restoration, (3) upland mitigation projects, (4) island creation and resilience, and (5) the use of CAD cells in major ports and harbors along the state's coastline. The authority must submit the study report by January 1, 2023, to the Environment and Appropriations committees.

EFFECTIVE DATE: Upon passage

§ 64 — MONTHLY OPM REPORT ON CARRYFORWARDS AND ARPA ALLOCATIONS

Requires the OPM secretary to submit a monthly status report to the Appropriations Committee on the carryforwards and ARPA allocations under the FY 22-23 budget and implementer acts

For FY 23, the act requires the OPM secretary to submit monthly status reports to the Appropriations Committee on the (1) amounts carried forward and transferred from FYs 21 or 22 under the FY 22-23 budget and implementer acts and (2) ARPA allocations under these acts. He must submit the reports by the 15th of each month during the fiscal year. (PA 22-146, § 3, requires that he do so by the 25th of each month instead.)

EFFECTIVE DATE: Upon passage

§ 65 — JUDICIAL DEPARTMENT FY 23 ALLOTMENTS FOR VICTIM SERVICE PROVIDERS

Limits the allotment of FY 23 General Fund appropriations and ARPA allocations to the Judicial Department for enhanced funding for victim service providers

The act limits the allotment of FY 23 General Fund appropriations and ARPA allocations to the Judicial Department for enhanced funding for victim service providers. Under the act, these funds may be allotted only up to the actual amount by which the department's federal victim assistance grants (under the Victims of Crime Act Assistance of 1984) are reduced for FY 23.

EFFECTIVE DATE: Upon passage

§ 66 — CORONAVIRUS CAPITAL PROJECTS FUND GRANT APPLICATION

Requires the OPM secretary to apply to the U.S. Department of the Treasury by January 1, 2023, for certain grant funding under ARPA's Coronavirus Capital Projects Fund program

By January 1, 2023, the act requires the OPM secretary to apply to the U.S. Department of the Treasury for certain grant funding under ARPA's Coronavirus Capital Projects Fund program. Specifically, he must apply for grants of (1) $20

million to build a full-service community adult education center in New Haven and (2) $5 million to build a library in Manchester providing internet access and health monitoring for the public.
EFFECTIVE DATE: Upon passage

§ 67 — LEGISLATIVE BRANCH CONTRACTING PROCEDURES

Sets procedural requirements that the Office of Legislative Management must follow when entering into certain goods and services contracts

The act sets procedural requirements that OLM must follow when entering into goods and services contracts (i.e., those for supplies, materials, equipment, and contractual services) that exceed $50,000. Under the act, OLM must submit the proposed contract to the legislative leaders (i.e., the House speaker, Senate president pro tempore, and the House and Senate majority and minority leaders). OLM may enter into the contract (1) upon written approval of a majority of the leaders, including at least one minority leader, or (2) 60 days after it submits the contract to the leaders if they take no action.

The act's provisions do not apply to (1) minor nonrecurring and emergency purchases of $10,000 or less and (2) emergency purchases due to (a) extraordinary conditions or contingencies that could not reasonably be foreseen and guarded against or (b) unusual trade or market conditions.
EFFECTIVE DATE: Upon passage

§ 68 — OFFICE OF AQUATIC INVASIVE SPECIES

Creates an Office of Aquatic Invasive Species within the Connecticut Agricultural Experiment Station; sets out office responsibilities; requires a department head to be hired by September 1, 2022

The act creates the Office of Aquatic Invasive Species within the Connecticut Agricultural Experiment Station (CAES). The CAES board of control must determine the office's staffing and hire a department head by September 1, 2022. The act enumerates the office's responsibilities (see below), including coordinating research efforts for aquatic invasive species (AIS) control and eradication. However, the act prohibits the office from issuing permits or fines.
EFFECTIVE DATE: July 1, 2022

Office Responsibilities

Under the act, the Office of Aquatic Invasive Species must do the following:

1. coordinate research efforts in the state associated with AIS control and eradication to reduce duplication of efforts and costs;
2. be a repository for statewide data on the health of rivers, lakes, and ponds in relation to the presence of AIS;
3. regularly survey the health and ecological viability of the state waterways in relation to the presence and threat of AIS;
4. educate the public about aquatic invasive plants and steps the public can take to reduce their impact;
5. advise municipalities on AIS management; and
6. be a liaison among organizations and state agencies (such as Department of Energy and Environmental Protection, Department of Agriculture, U.S. Army Corps of Engineers, Connecticut Federation of Lakes and Ponds Associations, U.S. Fish and Wildlife Service, municipal inland wetlands commissions, Connecticut River Conservancy, and councils of governments) for AIS control and eradication issues.

The act requires the office to coordinate its efforts and responsibilities with the state's Invasive Plants Council. (By law, the Invasive Plants Council, among other things, publishes a list of invasive or potentially invasive plants; researches the control of invasive plants; and educates the public on problems with invasive plants (CGS § 22a-381a).)

§§ 69 & 70 — COLLABORATIVE DRUG THERAPY

Makes various changes in state law affecting collaborative drug therapy agreements between certain health care practitioners and pharmacists

The act makes various changes in state law affecting collaborative drug therapy agreements between certain health care practitioners and pharmacists. Specifically, it does the following:

1. expands the types of practitioners authorized to enter into these agreements to include any prescribing practitioner

or caregiving institution ("providers"), instead of only state-licensed physicians and advanced practice registered nurses;
2. expands the types of authorized arrangements to include collaborative drug therapy management policies between pharmacists and caregiving institutions, instead of only collaborative drug therapy agreements between pharmacists and prescribing practitioners;
3. expands pharmacists' authority under these arrangements to include (a) managing drug therapy for patient populations, instead of only individual patients; (b) managing a therapeutic class of drugs, instead of only specified drugs; and (c) managing prescribed medical devices; and
4. requires the Department of Consumer Protection (DCP) commissioner to amend regulations on pharmacist qualifications and requirements for these arrangements to include competency requirements for management policies or care plans and requirements for the minimum content of these arrangements.

Under the act, "prescribing practitioners" are practitioners licensed in Connecticut or another U.S. jurisdiction who have prescriptive authority under their professional scope of practice. "Care-giving institutions" are institutions that provide medical services and are licensed, operated, certified, or approved by the commissioners of public health (Department of Public Health (DPH)), developmental services, or mental health and addiction services (e.g., hospitals or nursing homes).

"Devices" are instruments, apparatuses, and contrivances, including their components, parts and accessories (except contact lenses), intended to (1) diagnose, cure, mitigate, treat, or prevent disease or (2) affect the body's structure or function.

The act makes technical and conforming changes, including specifying that a nursing home's medical director may enter into collaborative drug management policies.

EFFECTIVE DATE: July 1, 2022

Permitted Arrangements

The act authorizes two types of formal arrangements between providers and qualified pharmacists, which must be based on either written protocols or a collaborative drug therapy care plan. These arrangements include the following:

1. "collaborative drug therapy management agreements" similar to those allowed under prior law (i.e., agreements between one or more pharmacists and prescribing practitioners to manage individual patients', or a patient population's, drug therapy or prescribed devices) and
2. "collaborative drug therapy management policies" (i.e., written policies adopted by care-giving institutions under which one or more pharmacists manage individual patients', or a patient population's, drug therapy or prescribed devices).

Under the act, a "qualified pharmacist" is a DCP-licensed pharmacist who (1) is deemed competent under department regulations and (2) has reviewed the latest edition of the "Pharmacists' Patient Care Process," published by the Joint Commission of Pharmacy Practitioners.

"Collaborative drug therapy care plans" are written documents memorializing an agreed-upon approach to achieve a patient's desired health outcome as determined by one or more pharmacists and one or more prescribing practitioners ("care plans").

Conditions for Entering Into Arrangements

The act extends prior law's requirements for entering into collaborative drug therapy agreements to the new agreements, care plans, and policies the act authorizes. So, before entering into an agreement or care plan, or operating under a management policy, a practitioner must establish a provider-patient relationship with the patient or patients who will receive collaborative drug therapy or device management.

Similar to prior law, this is a relationship in which (1) the patient has made a medical complaint, provided his or her medical history, and received a physical examination and (2) there exists a logical connection between the medical complaint and history, physical examination, and any drug or device prescribed.

The act also requires that each patient's collaborative drug therapy or device management be based on (1) a diagnosis made by the patient's practitioner or (2) a specific test set out in an agreement or policy.

Pharmacists' Authority

Under the act, pharmacists providing collaborative drug therapy management under an agreement or policy may, in keeping with the agreement or policy, (1) (a) initiate, modify, continue, discontinue, or deprescribe a patient's prescribed

drug therapy or (b) initiate, continue, discontinue, or deprescribe the use of a device; (2) order associated laboratory tests; and (3) administer drugs.

This scope of authority is generally the same as has been allowed for collaborative drug therapy arrangements, except the act (1) authorizes pharmacists to initiate, rather than implement, a prescribed drug therapy and (2) does not require the specification of the drugs to be managed (see below).

As under prior law for collaborative drug therapy arrangements, the act allows the agreements and policies to specifically address issues that come up during medication reconciliation (i.e., review of all of a patient's current and new medications) or related to polypharmacy (i.e., the simultaneous use of multiple drugs by a patient).

The act specifies that agreements and policies cannot authorize a pharmacist to establish a port to administer parenteral drugs (e.g., IV infusions).

Agreement's or Policy's Contents

Under the act, any written protocol or care plan developed under a collaborative drug therapy agreement or policy must have detailed direction on the pharmacist's permitted actions, including the specific drug or drugs; therapeutic class or classes of drugs; and devices that the pharmacist may manage.

Similar to prior law, the written protocol or care plan must specify the patient population it covers and also the following, among other things:

1. the terms and conditions under which drug therapy or the use of a device may be initiated, modified, or discontinued;
2. when a pharmacist must notify the prescribing practitioner; and
3. the laboratory tests that the pharmacist may order.

Under the act, agreements, policies, protocols, and care plans must be made available to DCP and DPH for inspection, upon request, as prior law required for agreements and written protocols.

Notice to Practitioner and Medical Record Updates

Under the act, as under prior law, if a pharmacist discontinues or deprescribes a drug, he or she must notify the prescribing practitioner within 24 hours and document it in the patient's medical record as specified by any applicable prescribing practitioner's or care-giving institution's policies.

Additionally, any protocol or collaborative drug therapy care plan must be filed in the patient's medical record.

The act eliminates a provision in prior law that required pharmacists to report any encounters within the agreement's scope within 30 days or document them in a shared medical record.

§ 71 — PHARMACIST LICENSE RENEWAL

Makes pharmacist licenses renewable annually, rather than biennially; makes the fee $100 annually, rather than $120 biennially

The act (1) requires pharmacists to renew their licenses annually, rather than biennially, and (2) increases the licensure renewal fee, making it $100 annually, rather than $120 biennially. By law, pharmacists are licensed by DCP.
EFFECTIVE DATE: July 1, 2022

§§ 72-74 — RESERVED SECTIONS

Reserved sections

§§ 75 & 514 — PAYMENTS TO VOLUNTEER FIRE COMPANIES

Requires the state, within available appropriations, to pay volunteer fire companies $500 for each call they respond to on designated highways

The act requires the State Fire Administrator to pay, within available appropriations, $500 per call to volunteer fire companies responding to calls on (1) limited access highways; (2) the section of the Berlin Turnpike that begins at the end of the Wilbur Cross Parkway in Meriden and extends north along Route 15 to the South Meadows Expressway in Wethersfield; and (3) the section of Route 8 in Beacon Falls within the Naugatuck State Forest (§ 75). (PA 22-146, §§ 14

& 27, repealed this provision and replaced it with a similar one that additionally prohibits municipalities that provide funding to volunteer fire companies from reducing it based on these state payments.)

The act also eliminates the Limited Access Highway Reimbursement Program, which is a defunct supplemental grant award remittance program (§ 514). Under prior law, this program paid volunteer fire companies $100 per call for providing emergency response services on the same highways described above (CGS § 7-323r).
EFFECTIVE DATE: July 1, 2022

§ 76 — LEGALIZED GAMBLING STUDY

Transfers responsibility for the mandated legalized gambling study from DCP to DMHAS and requires the next study to be completed by August 1, 2023; authorizes the DMHAS commissioner to select a contractor to conduct the study; and expands the study's required components

The act (1) transfers responsibility for the mandated study on legalized gambling's effects on Connecticut residents from DCP to DMHAS and (2) resets the deadline for subsequent studies.

Prior law required DCP to conduct this study as often as the commissioner deemed necessary but at least every 10 years. (The last study was conducted in 2009.) The act instead requires the DMHAS commissioner to conduct the next study by August 1, 2023, every 10 years thereafter, and at other times as she deems necessary. It also authorizes the commissioner to select a contractor to conduct the study.

Under existing law, the study must look at the types of gambling the public does and the desirability of expanding, maintaining, or reducing the amount of legalized gambling the state allows. The act additionally requires that each study be informed by the most recently completed study's findings on the effects of legalized gambling. It also requires the DMHAS commissioner or contractor to do the following:

1. consider data from other states to inform recommendations on best practices and proposed regulatory changes;
2. review available data to assess the problem gaming resources available in Connecticut; and
3. consult with stakeholders, including elected and appointed government officials, nongovernmental and charitable organizations, municipal officials, businesses, and entities engaged in legalized gambling activities in Connecticut, to inform the study analysis.

The commissioner must submit the study's findings and its cost to the Public Safety and Security Committee.
EFFECTIVE DATE: Upon passage

§ 77 — RESIDENT STATE TROOPER FRINGE FUNDING

Beginning FY 23, increases, from 50% to 100%, the portion of the state employees' retirement system fringe recovery rate attributable to the system's unfunded liability that the comptroller must annually pay

By law, a town participating in the resident state trooper program pays, among other things, 100% of the overtime costs and the portion of fringe benefits directly associated with these costs. Under prior law, the comptroller had to pay 50% of the portion of the state employees' retirement system fringe recovery rate attributable to the system's unfunded liability. Beginning FY 23, the act requires her to annually pay 100% of this rate. As under prior law, the payment must come from the resources appropriated for State Comptroller-State Employees' Retirement System Unfunded Liability.
EFFECTIVE DATE: July 1, 2022

§ 78 — RURAL SPEED ENFORCEMENT GRANT PROGRAM

Requires DESPP to administer a grant program, within available resources, to provide grants to eligible municipalities for speed enforcement on rural roads

Beginning July 1, 2022, the act requires DESPP, within available resources, to administer a municipal grant program for speed enforcement activities on rural roads. Municipalities eligible for grants under the act are those with a population of less than 25,000 and that have a law enforcement unit or resident state trooper. They must apply to the program as DESPP prescribes.

The act caps program grants at $5,000 but allows eligible municipalities to receive up to 10 grants. DESPP must continue to award grants until all resources dedicated to the program are spent.
EFFECTIVE DATE: Upon passage

§ 79 — HEALTH CARE PROVIDER LOAN REIMBURSEMENT PROGRAM

Requires OHE, by January 1, 2023, to establish a program to provide loan reimbursement grants to certain health care providers

The act requires the Office of Higher Education (OHE), by January 1, 2023, to establish a program to provide loan reimbursement grants to DPH-licensed health care providers employed full-time in the state. Under the act, individuals may apply to OHE for the grants at the time and in the manner the executive director determines.

Eligibility Requirements

The act requires the OHE executive director, in consultation with DPH, to develop eligibility requirements for grant recipients, which may include income guidelines. Under the act, at least 20% of the grants must be awarded to regional community-technical college graduates. The executive director must consider health care workforce shortage areas when developing the eligibility requirements.

Loan Reimbursements

Under the act, qualified individuals must be reimbursed on an annual basis for qualifying student loan payments in amounts the OHE executive director determines. The act limits reimbursement to only the loan payments the health care provider made while employed full-time in the state as a health care provider.

Gifts, Grants, and Donations

The act authorizes OHE to accept gifts, grants, and donations from any public or private source for the health care provider loan reimbursement program.
EFFECTIVE DATE: Upon passage

§ 80 — COMMUNITY GUN VIOLENCE INTERVENTION AND PREVENTION PROGRAM

Requires DPH to establish a community gun violence intervention and prevention program and annually report to the Public Health Committee, starting by January 1, 2023, on the program's activities

The act requires DPH to establish a community gun violence intervention and prevention program to do the following:

1. fund and support the growth of evidence-informed, community-centric community violence and gun violence prevention and intervention programs in the state;
2. strengthen partnerships among the community and state and federal agencies involved in community violence prevention and intervention;
3. collect, and make publicly available, timely data on firearm-involved injuries and deaths;
4. evaluate the effectiveness of the violence and prevention strategies the program implements;
5. determine community-level needs by engaging with communities impacted by gun violence; and
6. secure state, federal, and other funds to reduce community gun violence.

The act requires the DPH commissioner, starting by January 1, 2023, to annually report to the Public Health Committee on the program's activities during the preceding 12 months.
EFFECTIVE DATE: Upon passage

§ 81 — COMMISSION ON COMMUNITY GUN VIOLENCE INTERVENTION AND PREVENTION

Establishes a Commission on Community Gun Violence Intervention and Prevention within DPH for administrative purposes only to advise the commissioner on programs and strategies to reduce the state's community gun violence; requires the commission to annually report its activities to the commissioner and the Public Health Committee starting by January 1, 2023

The act establishes a 23-member 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. The commission is within DPH for administrative purposes only.

Under the act, the commission must advise DPH on developing criteria for grant opportunities that arise through the department's community gun violence intervention and prevention program (see § 80).
EFFECTIVE DATE: Upon passage

Members

Under the act, the commission consists of the following 23 members:

1. one representative each from the Connecticut Hospital Association and Compass Youth Collaborative, appointed by the House speaker;
2. one representative each from the Connecticut Violence Intervention Program and Regional Youth Adult Social Action Partnership, appointed by the Senate president pro tempore;
3. one representative each from Hartford Communities That Care, Inc. and CT Against Gun Violence, appointed by the House majority leader;
4. one representative each from Project Longevity and the Saint Francis Hospital and Medical Center, appointed by the Senate majority leader;
5. one representative from Yale New Haven Hospital, appointed by the House minority leader;
6. one representative of Hartford Hospital, appointed by the Senate minority leader;
7. one representative of the Greater Bridgeport Area Prevention Program, appointed by the Public Health Committee House chairperson;
8. one representative of a community gun violence reduction program, appointed by the Public Health Committee Senate chairperson;
9. one representative of the Health Alliance for Violence Intervention, appointed by the Commission on Women, Children, Seniors, Equity and Opportunity's (CWCSEO) executive director;
10. two members appointed by the DPH commissioner;
11. one faculty member at an academic institution with experience in gun violence prevention and one advocate for violent crime survivors, appointed by the Governor;
12. one member employed as the highest-ranking police officer of a Connecticut municipal police department, appointed by the House minority leader;
13. one youth representative of a group that advocates on behalf of justice-involved youth, appointed by the Senate minority leader;
14. the DPH commissioner; and
15. the children and families and social services commissioners and CWCSEO executive director or their designees.

Under the act, the members of the Gun Violence Intervention and Prevention Advisory Committee established under PA 21-35 (§ 9) serve as the commission's initial appointed members under the first 10 entries on the list above. The act requires appointing authorities to appoint individuals to the commission who represent the state's geographic communities that experience gun violence.

Leadership, Meetings, and Procedure

The act requires the DPH commissioner to serve as the commission chairperson and schedule the commission's first meeting to be held by July 6, 2022.

Under the act, a majority of commission members constitutes a quorum for transacting business. Any decision must be made by a majority of members present at the meeting, except that the commission may establish subcommissions, advisory groups, or other entities it deems necessary to further its purposes.

Commission members serve without compensation, but must be reimbursed within available funds for necessary expenses in performing their duties.

Report

The act requires the commission, starting by January 1, 2023, to annually report to the DPH commissioner and Public Health Committee on its activities.

§§ 82-89 — PROVISION OF FREE MENSTRUAL PRODUCTS

Requires (1) certain government agencies and public and private organizations, starting July 1, 2023 or September 1, 2023, to provide free menstrual products to the people they serve and (2) DPH to set guidelines by July 1, 2022, on how to do this

The act requires the DPH commissioner, by July 1, 2022, to (1) set guidelines on how free menstrual products (i.e., tampons and sanitary napkins) may be provided without stigmatizing the people requesting or seeking them and (2) post the guidelines on the department's website. (It makes a technical change by replacing the term "feminine hygiene" with the term "menstrual" throughout the statutes.)

The act also requires certain government agencies and public or private organizations to provide free menstrual products to the people they serve without stigmatizing them, in accordance with the published DPH guidelines.

York Correctional Institution

By law, York Correctional Institution must provide free menstrual products to inmates upon request. However, starting July 1, 2023, the act requires the institution to do so without stigmatizing the people requesting the products, in accordance with the DPH guidelines.

Other Agencies and Organizations

Under the act, starting July 1, 2023, certain other agencies and organizations must start providing free menstrual products without stigmatizing the individuals requesting the products, in accordance with the DPH guidelines, as follows:

1. public higher education institutions, in at least one designated and accessible central location on each campus, and they must post notice of the location on their websites;
2. school districts acting by the Department of Correction (DOC) commissioner, to individuals confined in any DOC institution and attending a school within the district, upon request and as soon as practicable, in a quantity appropriate to the person's health needs;
3. public or private homeless shelters that receive grants from the housing commissioner, in each restroom accessible to residents; and
4. domestic violence emergency shelters that receive state funding, in each restroom accessible to residents.

Additionally, local and regional boards of education must do so starting September 1, 2023, in women's restrooms, all-gender restrooms, and at least one men's restroom, that are accessible to students in grades three through 12 in each school.

Donations, Grants, and Partnerships

The act allows DOC, local and regional boards of education, public institutions of higher education, and homeless and domestic violence shelters to (1) accept donations of menstrual products and grants from any source to purchase menstrual products and (2) partner with a nonprofit or community-based organization to carry out the act's requirements.

EFFECTIVE DATE: July 1, 2022, except the provision regarding the DPH guidelines and one technical change are effective upon passage.

§ 90 — STATE LIBRARY BOARD CONSULTATION FOR CERTAIN LIBRARY SERVICES

Requires the State Library Board to consult with certain entities before making changes to library services for people with disabilities or who are blind

Existing law requires the State Library Board to create and maintain a library service for people with disabilities or who are blind. The act requires the board to consult with the aging and disability services commissioner, or her designee, and the library's advisory committee for blind and physically disabled persons before making changes that could diminish or substantively change these library services.

EFFECTIVE DATE: July 1, 2022

§ 91 — TRS VALUATIONS

Requires TRS to have an actuarial valuation performed every year, rather than every two years

The act requires the Teachers' Retirement Board to have an actuarial valuation of the Teachers' Retirement System (TRS) performed every year, rather than every two years as prior law required. The valuation must cover the system's assets and liabilities as of each June 30 and be completed before each December 1.
EFFECTIVE DATE: July 1, 2022

§ 92 — EQUITY AND THE GOVERNOR'S BUDGET

Requires the governor's budget document to include an explanation of how its provisions advance efforts to ensure equity in the state

The act requires the governor's budget document to include an explanation of how its provisions advance the governor's efforts to ensure equity in the state. It defines "equity" as efforts, regulations, policies, programs, standards, processes, and any other government functions or legal principles intended to do the following:

1. identify and remedy past and present patterns of discrimination or inequality against, and outcome disparities for, any protected class under the state's anti-discrimination laws;
2. ensure that these patterns, whether intentional or unintentional, are not reinforced or perpetuated; and
3. prevent the emergence and persistence of these patterns in the foreseeable future.

As under existing law, the budget document must also include the governor's recommendations on the economy, including an analysis of the proposed spending and revenue programs' impact on employment, production, and purchasing power of the state's residents and industries.
EFFECTIVE DATE: October 1, 2022

§§ 93 & 94 — MUNICIPAL REVENUE SHARING ACCOUNT (MRSA)

Modifies the distribution schedule for municipal revenue sharing grants made to municipalities from MRSA

By law, OPM must distribute the funds deposited in MRSA for municipal revenue sharing grants. Under prior law, OPM was required to distribute the funds deposited between (1) October 1 and June 30 on the following October 1 and (2) July 1 and September 30 on the following January 31. Beginning in FY 22, the act instead requires funds deposited into the account during a given fiscal year, or accrued to it for a fiscal year but received afterwards, to be distributed by October 1 after the fiscal year's end.
EFFECTIVE DATE: Upon passage for the provision that applies to FYs 22 & 23, and July 1, 2022, for the provision that applies beginning FY 24.

§ 95 — NEW HAVEN'S PAYMENT IN LIEU OF TAXES GRANT

Allows New Haven to update the assessed valuations it submitted to OPM to calculate its FY 23 PILOT grant

The act allows New Haven to update the assessed valuations it submitted to the OPM secretary to calculate the PILOT grant due to the city for FY 23. It must update the data by July 1, 2022. (By law, municipalities must submit claim forms to OPM annually by April 1 to report the assessed value of their PILOT-eligible property as of the prior October 1.)
EFFECTIVE DATE: Upon passage

§§ 96-116 & 513 — CONNECTICUT RETIREMENT SECURITY PROGRAM

Eliminates CRSA and makes the Office of the State Comptroller its successor; converts CRSA's board of directors to an advisory board; requires that money spent on the program from the General Fund be reimbursed by October 1, 2023

Prior law required the Connecticut Retirement Security Authority (CRSA), a quasi-public agency administered by a board of directors, to establish a retirement program with Roth individual retirement accounts (IRAs) for eligible private-sector employees. The act (1) eliminates CRSA and makes the Office of the State Comptroller its successor for administering the program, (2) converts CRSA's board of directors to an advisory board, and (3) renames the program the Connecticut Retirement Security Program, instead of the Connecticut Retirement Security Exchange.

The act transfers most of the powers and responsibilities of CRSA's board of directors to the comptroller and eliminates those that do not apply to a comptroller-administered program. It allows any member appointed and serving on the board of directors on July 1, 2022, to continue to serve on the advisory board until his or her term expires.

Under the act, any money spent from the General Fund to administer the program or compensate employees who may participate in the program must be reimbursed to the General Fund by October 1, 2023. The act also makes numerous minor, conforming, and technical changes.

EFFECTIVE DATE: July 1, 2022, except a conforming provision (§ 513) repealing CRSA's ability to request an advance of up to $1 million from the General Fund is effective upon passage.

Advisory Board

The act converts CRSA's board of directors into the Connecticut Retirement Security Advisory Board with the same ex-officio members, appointed members and their appointing authorities, and member criteria. However, it makes the comptroller the advisory board's chairperson, rather than a governor-selected board member.

Under the act, the advisory board must advise the comptroller on matters including (1) using the program's surplus funds to the extent authorized by law and (2) modifying the program to meet federal tax law and regulations, and prevent it from being regulated by the federal Employment Retirement Income Security Act (ERISA).

In converting the board of directors to an advisory board, the act removes various powers from the board, including, among other things, its ability to: (1) appoint an executive director, (2) adopt various written procedures for the program, (3) adopt bylaws and an official seal, (4) maintain an office, (5) sue and be sued, and (6) make and enter into certain contracts and agreements.

It also removes (1) a requirement for board members who handle program funds to execute a surety bond and (2) individual liability protection for any board member, director, or employee.

Comptroller

The act eliminates CRSA and makes the Office of the State Comptroller its successor for administering the program. It transfers certain powers from CRSA's board of directors to the comptroller, allowing the comptroller, in consultation with the advisory board, to generally do the following:

1. establish criteria and guidelines for the program;
2. receive and invest moneys in the program;
3. contract with financial institutions or other organizations offering or servicing retirement programs;
4. charge and equitably apportion certain administrative costs among program participants;
5. borrow working capital funds and other funds needed to operate the program;
6. do all things needed to carry out the law's provisions; and
7. establish an administrative process through which participants, potential participants, and employees may submit grievances, complaints, and appeals to have them heard and addressed by the comptroller (prior law required the board of directors to adopt written procedures for this process).

The act similarly transfers various responsibilities from CRSA's board of directors to the comptroller. These include, among other things, requirements to do the following:

1. prepare certain informational materials about the program;
2. provide quarterly statements to program participants;
3. annually notify participants about fees that may be imposed;
4. provide for establishing and maintaining IRAs for each program participant;
5. minimize the program's total annual fees;
6. enter into memoranda of understanding with the Department of Labor and other state agencies on gathering or distributing information needed to operate the program; and
7. maintain a website for the program.

The act also transfers to the comptroller the requirement to act, when conducting the program's business, (1) with the care, skill, prudence, and diligence that a prudent person familiar with these matters would use in a similar situation; (2) solely in the interests of program participants and beneficiaries; and (3) only to provide benefits to participants and beneficiaries and defray the program's reasonable administrative expenses.

Regulations. Prior law allowed, and in some instances required, CRSA's board of directors to adopt various policies and procedures for administering the program. The act instead requires that the comptroller do so by adopting regulations. This allows, and in some instances requires, the comptroller to adopt regulations about, among other things, (1) protecting program participants' personal and confidential information, (2) electronically distributing notices and information to participants, (3) how employers with fewer than five employees and other non-participating individuals may opt-in to the program, and (4) governing funds distribution from the program.

§ 117 — MILITARY FUNERAL HONORS RIBBONS

Authorizes the adjutant general to issue military funeral honors ribbons

The act authorizes the adjutant general to issue military funeral honors ribbons to military personnel, including Connecticut National Guard and organized militia members, who perform honor guard details.
EFFECTIVE DATE: July 1, 2022

Background — Related Act

PA 22-62, § 5, is an identical provision.

§ 118 — HONOR GUARD PAY INCREASE

Increases, from $50 to $60, the daily pay for each member of an honor guard detail at a veteran's funeral

The act increases, from $50 to $60, the daily pay for each member of an honor guard detail at a veteran's funeral. By law, the payment is made from appropriations for National Guard pay and from federal funds for providing the honor guards. An honor guard detail consists of up to five members, plus a bugler.
EFFECTIVE DATE: October 1, 2022

§§ 119 & 120 — EXPANSION OF DEBT-FREE COLLEGE PROGRAM ELIGIBILITY

Expands the debt-free community college program's eligibility to qualifying first-time, part-time Connecticut community-technical college students

Under the state's debt-free community college program, Connecticut high school graduates who enroll as first-time, full-time regional community-technical college students are eligible to receive awards on a semester basis that (1) cover the unpaid portion of the institutional costs (i.e., tuition and fees minus scholarships; grants; and federal, state, and institutional aid awarded to the student excluding loans) or (2) provide a minimum award of $250, whichever is greater.

The act expands the program eligibility to qualifying part-time students (i.e., students enrolled at a regional community-technical college carrying at least six but no more than 11 credit hours in a semester). Part-time students who meet the established eligibility requirements can receive awards that (1) cover the unpaid portion of the institutional costs or (2) provide a minimum award of $150, whichever is greater.

Under the act, awards are available to qualifying students in their first 48 months of community college enrollment, rather than 36 months as under prior law.

Lastly, the act makes minor, technical, and conforming changes. For example, it exempts the debt-free community college program from the general requirement that unexpended state appropriations lapse at the end of the fiscal year.
EFFECTIVE DATE: July 1, 2022

§ 121 — SMALL BUSINESS SEMINARS

Requires BOR, within available funds, to develop seminars to help small businesses adapt to the post-COVID-19 business environment

The act requires the Board of Regents (BOR) to develop seminar programs to help small businesses (i.e., with 25 or fewer employees) adapt to the business environment after the COVID-19 pandemic through courses in subject areas including electronic commerce, social media, cybersecurity, and virtual currency. BOR must do so by September 1, 2022, and within available funds.

Under the act, BOR must establish forms and procedures allowing up to two employees per small business, at no cost to the business, to enroll in up to five seminar programs or any courses within these seminar programs at the Northwestern Connecticut Community College Entrepreneurial Center or the Werth Innovation and Entrepreneurial Center at Housatonic Community College.
EFFECTIVE DATE: July 1, 2022

§ 122 — DAS JOBS OPENINGS WEBSITE

Requires that the DAS website for executive branch job openings include links to job openings in the judicial and legislative branches and the state higher education system

The act requires the DAS commissioner, starting by July 1, 2022, to post individual links to the websites showing job openings in the judicial branch, legislative branch, and the constituent units of the state higher education system. She must do so in a prominent location on the DAS website where executive branch job openings are posted. If a link to one of the websites is updated after DAS posts it, then the applicable branch or unit must notify DAS about it, and DAS must update the link on its website.
EFFECTIVE DATE: Upon passage

§ 123 — PROJECT LONGEVITY INITIATIVE

Transfers certain responsibilities for the Project Longevity Initiative from OPM to the judicial branch on July 1, 2022

The act transfers certain responsibilities for the "Project Longevity Initiative" from OPM to the judicial branch on July 1, 2022. Project Longevity is a comprehensive, community-based initiative to reduce gun violence in the state's cities (i.e., Bridgeport, Hartford, New Haven, and Waterbury).

Responsibilities

Beginning July 1, 2022, the act transfers the OPM secretary's powers and duties for the initiative to the chief court administrator. As under prior law for the secretary, the administrator must do the following:

1. provide planning and management assistance to municipal officials;
2. do anything necessary to apply for and accept federal funds allotted or available to the state under any federal act or program; and
3. 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.

Funding Sources

The act similarly transfers from the OPM secretary to the chief court administrator the authority to (1) use state and federal funds as appropriated for the initiative's implementation and (2) accept, receive, and use any bequest, devise, or grant made to further the initiative's objectives.

Plan and Legislative Report

Prior law required the OPM secretary to create and submit a plan, by February 1, 2022, to the Public Safety and Security Committee on implementing the initiative statewide. Under the act, if the secretary did not submit this plan, then on and after July 1, 2022, the chief court administrator must create and submit a plan instead. The administrator must submit the plan to the Judiciary and Public Safety and Security committees by January 1, 2023.
EFFECTIVE DATE: Upon passage

§§ 125-126 — RESERVED SECTIONS

Reserved sections

§ 124 — CERTIFICATE OF NEED TASK FORCE

Creates a task force to study and make recommendations on certificates of need for health care facilities

The act establishes a 16-member task force to study and make recommendations on certificates of need (CONs) (see *Background*). The task force must study and make recommendations on the following matters:

1. instituting a price increase cap tied to the cost growth benchmark for consolidations;
2. guaranteed local community representation on hospital boards;
3. changes to the Office of Health Strategy's (OHS) long-term, statewide health plan to include an analysis of services and facilities and their impact on equity and underserved populations;

4. setting standards to measure quality due to a consolidation;
5. enacting higher penalties for noncompliance and increasing the staff needed for enforcement;
6. the attorney general's authority to stop activities as the result of a CON application or complaint;
7. the ability of workforce and community representatives to intervene or appeal decisions;
8. authorizing OHS to require an ongoing investment to address community needs;
9. capturing lost property taxes from hospitals that have converted to nonprofit entities; and
10. the timeliness of decisions or approvals relating to the CON process and relief available through that process.

EFFECTIVE DATE: Upon passage

Membership and Procedure

Under the act, the task force includes the Insurance and Real Estate Committee chairpersons and ranking members or their designees, as well as 10 appointed members as shown in the table below. In addition, the OHS executive director and attorney general, or their designees, serve as nonvoting, ex-officio members.

CON Task Force Appointed Members

Appointing Authority and Number of Appointments	*Appointee Qualifications*
House speaker (2)	Health care provider Representative of a Hartford-based hospital
Senate president pro tempore (2)	Expert in community-based health care Representative of a Connecticut-based medical school
House majority leader (1)	Representative of consumers
Senate majority leader (1)	Representative of labor
House minority leader (1)	Representative of a rural hospital
Senate minority leader (1)	Representative of an independent hospital
Governor (2)	Advocate for health care quality or patient safety Advocate for health care access and equity

Under the act, any of the legislative appointees (including the chairpersons' or ranking members' designees) may be legislators. The appointing authorities must make their initial appointments by June 6, 2022, and fill any vacancy.

The Insurance and Real Estate Committee chairpersons serve as the task force chairpersons. They must schedule the first meeting, which must be held by July 6, 2022.

The Insurance and Real Estate Committee's administrative staff serves in that capacity for the task force.

Reporting Requirement

The task force must report its findings and recommendations to the Insurance and Real Estate Committee by January 15, 2023. The task force terminates when it submits the report or on January 15, 2023, whichever is later.

Background — Certificates of Need

Generally, existing law requires health care facilities to apply for and receive a 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 (CGS § 19a-638 et seq.).

§ 127 — SERS PENSION COST RECOVERIES

Requires that certain pension cost recoveries be deposited in the SERS pension fund as an additional employer contribution

The act requires that certain pension cost recoveries be deposited in the fund that supports the State Employees Retirement System (SERS). More specifically, if any pension costs recovered from an appropriated or non-appropriated source other than the General Fund or Special Transportation Fund cause the payments to SERS to exceed the actuarially determined employer contribution for any fiscal year, then the recovered costs must be deposited in the State Employees Retirement Fund as an additional employer contribution at the end of that fiscal year.
EFFECTIVE DATE: July 1, 2022

§ 128 — STATE AGENCY ELECTRIC VEHICLE CHARGING STATIONS

Establishes policies and procedures for using electric vehicle charging stations on state agency property

The act allows state agencies to designate agency-owned and -operated electric vehicle (EV) charging stations on agency property for public use, solely for state-employee use, or both. If an agency does so, the act (1) allows it to establish maximum charging time limits (per user, per charging session), based on the property's parking needs, and (2) requires it to assess and collect a fee for the station's use.

When determining the stations' authorized use, an agency must consider the business that visitors conduct at the agency property (e.g., service centers, maintenance facilities, correctional facilities, visitor centers, health care facilities, and recreational facilities). Any applicable time limits and fees must be posted at the station.

Except for emergency vehicles, the act makes it an infraction to (1) park in a state agency EV charging spot without charging a plug-in hybrid or battery EV or (2) exceed an agency-established maximum charging time limit. Infractions are punishable by fines, usually set by Superior Court judges, of between $35 and $90 (plus other surcharges and fees), and violators may pay the fine by mail without making a court appearance.
EFFECTIVE DATE: October 1, 2022

EV Charging Station Fees

The act requires state agencies to establish, assess, and collect reasonable fees for using EV charging stations purchased and installed on or after October 1, 2022.

Specifically, for their respective branches, DAS, the Legislative Management Committee, and the Office of the Chief Court Administrator, in consultation with the Department of Energy and Environmental Protection, must establish a per-kilowatt-hour fee to recover, to the maximum extent practicable, the operational, maintenance, and electric costs for the stations. The act exempts state-owned or -leased vehicles exempt from the fees.

Under the act, each branch must update these fees annually or sooner if deemed necessary. The applicable fee must be posted at each station, and DAS must post executive branch station fees on its website. Collected fees must be deposited in the state fund that paid for acquiring and installing the charging station.

§ 129 — CANNABIS GENERAL FUND ACCOUNTS AND APPROPRIATED FUNDS

Allows money from a specified General Fund account and appropriated fund, established under the 2021 cannabis law, to be used for costs incurred to implement activities that law authorizes; requires OPM to consult with the Social Equity Council when allocating certain funds, and allows the council to provide recommendations to state agencies on certain expenditures

The 2021 cannabis law established two new General Fund accounts (the cannabis regulatory and investment account and social equity and innovation account), directed specified fee and tax revenue to the accounts for FY 22, and required OPM to allocate the account funds to state agencies for specified purposes. Beginning in FY 23, the law also establishes two new appropriated funds (the Social Equity and Innovation Fund and Prevention and Recovery Services Fund) and requires that money in the funds be appropriated for specified purposes. The act makes the following changes to these accounts and funds:

1. expands the purposes for which the social equity and innovation account and fund may be used to include paying costs incurred to implement activities authorized under the 2021 cannabis law,
2. requires the OPM secretary to consult with the Social Equity Council when allocating money from both General Fund accounts, and

3. allows the council to make recommendations to relevant state agencies on expenditures from the Prevention and Recovery Services Fund.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-146, §§ 4 & 5, extends the collection of specified fees and taxes for the two cannabis general fund accounts to FY 23, and requires money from these accounts to be transferred into the General Fund at the end of FY 23.

§ 130 — LEGISLATIVE BRANCH GOODS AND SERVICES CONTRACT ADVERTISEMENTS

Eliminates the requirement that the Legislative Management Committee advertise certain goods and services bidding opportunities in three newspapers

Existing law generally requires the Legislative Management Committee to publicly advertise bidding opportunities for goods and services contracts (i.e., those for supplies, materials, equipment, and contractual services). For contracts subject to this requirement that are estimated to exceed $50,000, the act eliminates the requirement that the committee advertise bids in at least three daily newspapers in the state at least five days before the bidding deadline. It instead requires that they be posted on the State Contracting Portal within the same timeframe. (This conforms to current practice.)

Prior law also required that goods and services contracts (in any amount) subject to public bidding be advertised on a public bulletin board in a building under the committee's supervision and control. The act instead allows the committee to post them on a website it designates. As under existing law, the committee must also send notices to prospective suppliers.

EFFECTIVE DATE: July 1, 2022

§§ 131-134 — JUDICIAL COMPENSATION

Increases the salary and other compensation for judges and certain other judicial officials by approximately 5% starting in FY 23

Starting in FY 23, the act increases the following by approximately 5%: (1) salaries for judges, family support magistrates, family support referees, and judge trial referees; (2) additional amounts that certain judges receive for performing administrative duties; and (3) salaries of certain officials whose compensation, by law, is determined in relation to a Superior Court judge's salary or state referee's per-diem rate.

EFFECTIVE DATE: July 1, 2022

Judicial Salaries

The table below shows the act's changes to judicial salaries starting in FY 23.

Judicial Salaries

Position	*Prior Salary*	*Salary Starting July 1, 2022 (FY 23)*
Supreme Court chief justice	$215,915	$226,711
Chief court administrator (if a judge)	207,480	217,854
Supreme Court associate judge	199,781	209,770
Appellate Court chief judge	197,571	207,450
Appellate Court judge	187,663	197,046
Deputy chief court administrator (if a Superior Court judge)	184,209	193,420
Superior Court judge	180,460	189,483
Chief family support magistrate	157,078	164,932

Position	*Prior Salary*	*Salary Starting July 1, 2022 (FY 23)*
Family support magistrate	149,498	156,973
Family support referee	233/day*	245/day*
Judge trial referee	271/day*	285/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 from $1,230 to $1,292 starting July 1, 2022 (i.e., FY 23), which are in addition to the judges' annual salaries.

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 also 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)).

(Beginning January 4, 2023, PA 22-85 generally makes the (1) governor's salary equal to the salary for the Supreme Court chief justice and (2) lieutenant governor's and constitutional officers' salaries equal to those for Superior Court judges. (The constitutional officers are the secretary of the state, state treasurer, state comptroller, and state attorney general.))

§ 135 — AMBULANCE RATES

Requires the DPH commissioner to proportionally adjust certain ambulance service rates within any increases the DSS commissioner makes to Medicaid ambulance service rates

The act requires the DPH commissioner to adjust certain ambulance service rates proportionally with any increases the DSS commissioner makes to Medicaid ambulance service rates. The DPH commissioner must do this within 30 days after the DSS commissioner makes the increases and apply the proportional adjustments to rates for (1) transporting and treating patients by licensed ambulance services and invalid coaches and (2) certified ambulance services and paramedic intercept services.

(PA 22-146, § 6, replaces this provision and instead requires the DPH commissioner to proportionally increase these ambulance service rates for FY 23 based on the amounts appropriated to DPH for this purpose. It also requires the commissioner to report to the Appropriations and Public Safety committees by January 1, 2023, on the rates for the prior 10 fiscal years.)

EFFECTIVE DATE: Upon passage

§ 136 — EMERGENCY MEDICAL SERVICES WORKING GROUP

Requires the DPH commissioner, in collaboration with the DSS commissioner, to establish a working group to examine certain issues related to emergency medical services

The act requires the DPH commissioner, in collaboration with the DSS commissioner, to establish a working group on emergency medical services (EMS). The group must examine Medicaid and private commercial EMS rates; the EMS workforce; and the provision of these services, including the (1) adoption of mobile-integrated health care and (2) provision of EMS in other states.

The working group must include the DPH and DSS commissioners or their designees and representatives of volunteer EMS providers, municipal or other nonprofit agencies that provide EMS, hospital-based EMS providers, and for-profit EMS providers. The group may also include emergency physicians, other emergency care providers, and representatives of hospitals, long-term care providers, and health carriers.

The act requires the DPH commissioner to convene the working group's first meeting by September 1, 2022.

By January 1, 2023, the DPH commissioner, in consultation with the DSS commissioner, must report to the Public Health Committee on the group's findings and recommendations to improve the provision of EMS in the state and proposed actions to create an effective and sustainable EMS system over a long-term period.

EFFECTIVE DATE: July 1, 2022

§ 137 — MUNICIPAL STORMWATER AUTHORITY FEES

Modifies the partial fee reduction a stormwater authority must provide to property owners by placing more requirements on its availability and establishes an optional reduction; requires the authorities to adopt a procedure for providing fee reductions; eliminates the requirement that grand list valuation be considered when setting stormwater fees

The act (1) modifies the partial fee reduction that municipal stormwater authorities must provide to property owners by placing more requirements on its availability and (2) establishes an optional reduction (see below). Unchanged by the act, the reductions are in the form of a credit.

Additionally, the act (1) requires stormwater authorities to adopt a procedure for providing the fee reductions and (2) allows the DEEP commissioner to provide additional guidance to authorities to implement the fee reductions.

It also eliminates prior law's requirement for stormwater authorities to consider a property's grand list valuation when setting stormwater fees. Existing law, unchanged by the act, requires authorities to consider (1) the amount of impervious surface generating stormwater runoff and (2) land use types that result in higher or lower concentrations of stormwater pollution. Lastly, the act makes a minor change to specify that a stormwater authority's stormwater management program must be to control both stormwater construction runoff and stormwater pollution, rather than at least one of the two.

Available Partial Stormwater Fee Reductions

Prior law required stormwater authorities to provide a partial fee reduction for property owners who installed, operated, and maintained authority-approved stormwater best management practices that reduced, retained, or treated stormwater onsite.

Mandatory Reduction. Under the act, a stormwater authority must instead provide a partial fee reduction for property owners who:

1. disconnect a percentage of the property's impervious surfaces from the municipal separate storm sewer system, combined storm sewer system, or surface water and
2. provide documentation to the authority's satisfaction that authority-approved stormwater best management practices or other control measures that reduce, retain, or treat stormwater onsite are being applied and maintained in compliance with the authority's requirements and any applicable DEEP-issued stormwater discharge permit.

The act specifies that an impervious surface area is considered disconnected when the appropriate water quality volume is kept in accordance with the applicable DEEP-issued stormwater discharge permit or as required by the authority.

New Optional Reduction. The act allows a stormwater authority to also provide a partial fee reduction for property owners who install, operate, and maintain infrastructure that reduces, retains, and treats stormwater onsite. For the reduction, the infrastructure must exceed any infrastructure requirements that may apply to the property under (1) the applicable DEEP-issued stormwater discharge permit (including requirements for water quality impairments), (2) any DEEP regulation, or (3) the local stormwater control ordinance.

EFFECTIVE DATE: July 1, 2022

§ 138 — NONUNION RAISES & LUMP SUM PAYMENTS

Requires most nonunion employees to receive the same pay increases as union employees in FYs 22, 23 & 24; requires legislative employees to receive the same lump sum payments as union employees in FYs 22 & 23

The act requires each state agency to apply certain terms from the 2022 agreement between the state and the State Employee Bargaining Agent Coalition (SEBAC) to their employees who are not members of a bargaining unit (i.e., nonunion state employees). More specifically, state agencies must apply the agreement's terms for wage increases for the following fiscal years:

1. FY 22 (generally, a $2,500 lump sum payment and 2.5% base annual salary increase),
2. FY 23 (generally, a 2.5% increase plus step increases, annual increments, or their equivalents, and a $1,000 lump sum payment), and
3. FY 24 (generally, a 2.5% increase plus step increases, annual increments, or their equivalents).

The "state agencies" subject to this requirement include 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 or judicial, but not legislative, branch.

For legislative employees, the act requires the Office of Legislative Management to apply terms consistent with the 2022 SEBAC agreement's provisions for lump sum payments for FY 22 ($2,500) and FY 23 ($1,000).

EFFECTIVE DATE: Upon passage

§§ 139 & 140 — SALT APPLICATOR TRAINING AND COMMERCIAL APPLICATOR REGISTRATION PROGRAM

Requires DEEP and DOT to work with UConn to conduct training for roadside salt applicators and report to the legislature on the training program; establishes a registration program within DEEP for commercial salt applicators who take the program

Roadside Salt Applicator Training

The act requires the DEEP and DOT commissioners to work with UConn's Training and Technical Assistance Center (T2 Center) to conduct training for state, municipal, and private roadside applicators that relies on the Connecticut Best Management Practices "Green Snow Pro: Sustainable Winter Operations" guide for municipalities. The program must include (1) instruction on each topic in the guide and (2) additional resources for each topic. Under the act, either DEEP and DOT personnel or UConn's T2 Center personnel must provide the training. They must hold at least one training session in each county.

The act also requires DEEP and DOT to provide information about the training to the regional councils of governments. They must submit a report to the Environment and Transportation committees within one year after the program begins on (1) how many applicators received the training, (2) any goals for the program's future, and (3) any recommendations for proposed legislation to reduce sodium chloride's effects on private wells and public drinking water supplies.

Commercial Applicator Registration Program

The act establishes a salt applicator registration program within DEEP, which the commissioner must administer and enforce within available resources.

Under the act, commercial applicators may annually register with DEEP and certify that they (1) received the roadside applicator training conducted by DEEP, DOT, and UConn, and any other training DEEP requires by regulations (see below) and (2) comply with the regulation's policies and goals about applying salt. A "commercial applicator" is anyone who applies, or supervises others applying, salt or salt alternatives on roadways, parking lots, or sidewalks for winter maintenance. It excludes municipal, state, and state political subdivision employees.

Under the act, a business that employs multiple commercial applicators may make an organizational certification for its owner or chief supervisor and applicators employed by the business. A business with an organizational certification must (1) ensure that all applicators operating under it receive the required training and (2) keep records on behalf of all its applicators.

Application Form. The act requires the DEEP commissioner to develop the registration application form, which must include the following information:

1. applicant's full name and address;
2. the name and address for a Connecticut-domiciled person who is authorized to accept legal service and notices on the applicant's behalf;
3. type of apparatus used to apply salt or salt alternative, whether liquid or dry; and

4. any other information she deems necessary.

Required Regulations. The act also requires the DEEP commissioner to adopt implementing regulations, which must, at a minimum, include provisions that do the following:

1. establish policies and goals for applying salt,
2. receive and allocate federal grants and other funds or gifts to carry out the program,
3. provide the types and frequency of training programs required for registration,
4. establish commercial applicator registration procedures, and
5. establish recordkeeping requirements for applicators to maintain registration.

Violations and Registration Revocation. The act authorizes the commissioner to issue orders, including cease and desist orders, to anyone who violates the act's registration program provisions or regulations. Orders are effective immediately upon issuance. The commissioner may revoke a violator's registration after notice and hearing pursuant to the state's Uniform Administrative Procedure Act.

EFFECTIVE DATE: October 1, 2022, except the registration program provision is effective upon passage.

§ 141 — LOCAL HEALTH DISTRICT REPORTING SYSTEM

Requires local health districts to create an electronic reporting system for property owners to report sodium chloride damage and health departments to submit the reports to OPM; allows OPM to identify and issue financial assistance to help property owners fix the damage

The act requires each local health district, by January 1, 2023, 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. Beginning by January 1, 2024, each local health department must annually submit the reports recorded during the prior calendar year to OPM. The OPM secretary may (1) identify available state or federal financial resources to help the owners with remediation, mitigation, or repair costs and (2) establish criteria and procedures for issuing the financial assistance.

EFFECTIVE DATE: Upon passage

§ 142 — RESIDENTIAL WATER TREATMENT INFORMATION

Requires residential water treatment system installers to provide certain customers with information about sodium and chloride in their drinking water

The act requires any person who installs residential water treatment systems to provide customers who want to install an automatic water softener or tank with written information about the (1) importance of testing their drinking water for sodium and chloride and (2) potential consequences of excessive levels of these minerals in drinking water.

EFFECTIVE DATE: Upon passage

§§ 143 & 144 — PREMIUM PAY PROGRAM

Establishes the Connecticut Premium Pay program to provide $200 to $1,000 to certain employees who worked throughout the COVID-19 emergency, depending on their individual income, to recognize and compensate them for their service

The act establishes the Connecticut Premium Pay program to be administered by the Office of the Comptroller (OTC) or a third-party administrator under contract with OTC. From October 1, 2022, until June 30, 2024, the program must provide $200 to $1,000 to eligible applicants, depending on their individual income and whether the program is sufficiently funded.

The act creates application and payment processes for the program and establishes a non-lapsing account to support it. It also (1) allows applicants to request a reconsideration of a denied application and prohibits any further appeals, (2) requires quarterly reports to the Labor and Public Employees Committee, and (3) prohibits employer retaliation against employees for applying to the program.

EFFECTIVE DATE: Upon passage

Eligible Applicants

Under the act, an "eligible applicant" is any private-sector employee who meets all of the following criteria:

1. worked during the entire public health and civil preparedness emergency the governor declared on March 10, 2020, or any declaration extension, through May 7, 2022 (when the act took effect);
2. worked in a category that the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices recommended for a COVID-19 vaccination in phase 1a or 1b of the COVID-19 vaccination program as of February 20, 2021 (e.g., health care personnel, firefighters, police officers, corrections officers, food and agricultural workers, manufacturing workers, grocery store workers, public transit workers, education sector workers, and child care workers);
3. was not employed in a capacity where he or she worked or could have worked from home; and
4. has an individual income less than $150,000.

Program Administration

The act requires OTC to either administer the program itself or contract with a third party to administer it. The program administrator must begin accepting applications on May 7, 2022 (when the act took effect). The administrator may (1) determine whether an applicant meets the eligibility requirements for compensation; (2) summon and examine relevant witnesses under oath; (3) require that any books, records, letters, contracts, or other documents be provided for examination as the administrator finds proper; and (4) take affidavits or depositions.

Program Account and Use of Funds

The act establishes the "Connecticut premium pay account" as a separate, non-lapsing General Fund account to contain any money the law requires to be deposited in it. The comptroller must spend moneys in the account at the administrator's direction for payments to eligible applicants and for the program's operating expenses, including (1) hiring employees and (2) public outreach and education about the program and account.

Under the act, no more than 5% of the total amount the account receives can be used for administrative costs, including hiring temporary or durational staff or contracting with a third-party administrator. The administrator must make all reasonable efforts to limit operating costs and expenses without compromising eligible applicants' access to the program.

Applications

To apply, the act requires that an applicant submit a claim to the administrator by October 1, 2022, in a form and way that the administrator requires. Claims must include: (1) proof of employment as an eligible applicant from March 10, 2020, until May 7, 2022, as determined by the applicant's proof of earnings, and (2) any additional information the administrator requires. Proof of employment may include official payroll records or another form of proof, including a letter from an employer stating the applicant's work dates or a declaration from someone who personally knows about the applicant's employment.

Under the act, the administrator must promptly review and evaluate all applications and decide whether the application will be approved. The decision must be based on the information the applicant provided or additional information provided at the administrator's request. The administrator must give a written decision to each applicant within 60 business days after applying, or, if the administrator requested additional information, within 10 business days after receiving the additional information.

Premium Payments

If the administrator approves a claim, it must direct the comptroller to pay the eligible applicant within 10 business days after approval. The payment amount generally depends on the applicant's individual income. (The act does not specify what constitutes "individual income.") The table below shows the payments for full-time eligible applicants (i.e., those who worked at least 30 hours per week).

Full-Time Eligible Applicant Income and Payment Ranges

Individual Income Range	*Premium Payment Under the Act*
Under $100,000	$1,000
$100,000 - $109,999	800
$110,000 - $119,999	600

Individual Income Range	*Premium Payment Under the Act*
$120,000 - $129,999	400
$130,000 - $149,999	200

For part-time eligible applicants (i.e., those who worked less than 30 hours per week), the act requires the program to provide a $500 payment.

Under the act, if the sum allocated to the program is not enough to fully fund all approved applicants according to the requirements above, then all approved applicants' payments must be reduced proportionally. No payments must be made to any eligible applicants after June 30, 2024.

Appeals

The act allows an applicant to request that a determination be reconsidered by filing a request with the administrator, on a form the administrator determines, within 20 business days after the determination notice is mailed.

Within three business days after receiving the request, the administrator must designate someone to conduct the reconsideration and give him or her all documents related to the applicant's claim. The designee must conduct the reconsideration as a de novo (i.e., new) review of all relevant evidence within 20 business days after the request.

The act requires the designee to issue a written decision affirming, modifying, or reversing the administrator's decision within 20 business days and submit it to the administrator and the applicant. The decision must include a short statement of findings that specifies whether premium pay will be paid to the applicant as required by the act. Regardless of certain laws on administrative appeals, an applicant cannot further appeal a case beyond the administrator's designee.

Under the act, any statement, document, information, or matter may be considered by the administrator or, on reconsideration, by the administrator's designee if he or she believes that it contributes to a claim determination, regardless of whether it would be admissible in a court.

Erroneous Payments and Fraud

If a claim is paid to a program applicant erroneously or due to the applicant's willful misrepresentation, the act allows the administrator to seek repayment of benefits from the applicant. In the case of willful misrepresentation, the administrator may also seek payment of a penalty equal to 50% of the benefits paid because of the misrepresentation.

Under the act, anyone (including an employer) who violates the act by intentionally aiding, abetting, assisting, promoting, or facilitating the (1) making of, or attempt to make, a payment claim or (2) receipt or attempted receipt of payment by another person, is liable for the same financial penalty as the person who made or tried to make the claim or receive the benefits.

Reports

The act requires certain regular reports to the program administrator and the legislature.

Starting by July 31, 2022, the comptroller must submit a monthly report to the administrator on the premium pay account's current value. The comptroller also must do so any other time the administrator requests it.

Starting by September 1, 2022, the administrator must submit a quarterly report to the Labor and Public Employees Committee on the account's financial condition. The report must include:

1. the account's estimated value as of the report's date,
2. the effect of scheduled payments on the account value,
3. estimated monthly administrative costs needed to operate the program and the account, and
4. any recommendations for legislation to improve the program's or account's operation or administration.

Anti-Retaliation

The act prohibits an employer from (1) discharging or causing to be discharged, disciplining, or discriminating against an employee because he or she applied for the act's premium pay or (2) deliberately misinforming or dissuading an employee from filing an application. An employee aggrieved by a violation of the prohibition may bring a civil action in the Superior Court in the district where the employer has its principal office. The action can seek reinstatement to the worker's position, payment of back wages, reestablishment of any lost benefits the employee was otherwise entitled to, and any other damages caused by the discrimination or discharge.

The act specifies that an employee who prevails in a civil action must be awarded reasonable attorney's fees and costs. Under the act, the court can also award punitive damages.

§§ 145 & 146 — CLIMATE-SMART AGRICULTURE AND FORESTRY PRACTICES

Expands the farmland restoration program's purposes to include climate-smart agriculture and forestry practices; allows DoAg to (1) pay farmers up to 50% of certain grant funds in advance and (2) pay or reimburse certain entities for services designed to increase the number of farmers using climate-smart agriculture and forestry practices

The act generally expands the farmland restoration program's purposes to include climate-smart agriculture and forestry practices in farmland restoration plans. This matching grant program, administered by DoAg, encourages farmers to restore farmland that has gone out of production.

Under the program, the DoAg commissioner may partially reimburse a farmer for the cost to do the following:

1. develop, implement, and comply with a farm resources management plan or a farmland restoration plan, which the act renames the farmland restoration and climate resiliency plan, that the DoAg commissioner has approved or
2. comply with a comprehensive farm nutrient management plan or a farm resources management plan that the DEEP commissioner has approved.

The act also allows the DoAg commissioner to partially reimburse a farmer for the cost to comply with a farmland restoration and climate resiliency plan that the DEEP commissioner has approved.

Additionally, the act allows the DoAg commissioner to pay up to 50% of the above amounts in advance. It also explicitly allows a farmer to seek this advance payment or reimbursement for farm equipment purchases under a farm resources management or farmland restoration and climate resiliency plan.

The act requires the DoAg commissioner, when making grants to comply with the various plans approved by DEEP, to prioritize capital improvements made under a farmland restoration and climate resiliency plan, in addition to those made under a comprehensive farm nutrient management plan or farm resources management plan as under prior law.

Under the act, a "farmland restoration and climate resiliency plan" is a conservation plan (1) of the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service, (2) of a soil and water conservation district, or (3) that the DoAg commissioner approves. It includes agricultural restoration purposes, which the act expands to include climate-smart agriculture and forestry practices.

Additionally, the act authorizes the DoAg commissioner to 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 designed to increase the number of farmers implementing climate-smart agriculture and forestry practices developed or prescribed by the USDA. In practice, these include activities that store carbon, improve soil health, and reduce greenhouse gas emissions (e.g., cover crops, prescribed grazing, nutrient management, manure management).

EFFECTIVE DATE: October 1, 2022

Agricultural Restoration Purposes

The act broadens the term "agricultural restoration purposes" to incorporate climate-smart agriculture and forestry practices, including practices in urban areas, and soil health improvements, water source and water runoff pattern improvements, woodlot management, and farm equipment purchases intended to improve soil health. "Climate-smart agriculture and forestry practices" includes any practices USDA develops or prescribes under its climate-smart agriculture and forestry strategy. By law, "agricultural restoration purposes" already includes the following:

1. reclaiming grown-over pastures and meadows;
2. installing fences to keep livestock out of riparian areas;
3. replanting vegetation on erosion-prone land or along streams;
4. restoring water runoff patterns;
5. improving irrigation efficiency;
6. conducting hedgerow management, including removing invasive plants and timber; and
7. renovating farm ponds through farm pond management.

The "agricultural restoration purposes" definition also applies to the vacant public lands program. The law authorizes the agriculture commissioner to establish this program to encourage the use of vacant state property for gardening, agricultural purposes, or agricultural restoration purposes (CGS § 22-6e). To date, he has not established this program.

Entities' Services Payable or Reimbursable

The act authorizes the DoAg commissioner to pay or reimburse a municipality, nonprofit organization, soil and water conservation district, or UConn Extension Services for any of the following services:

1. providing technical assistance,
2. distributing grant funding to producers,
3. coordinating training programs,
4. coordinating projects piloting or demonstrating conservation practices,
5. creating tools that help reduce barriers to accessing help for on-farm conservation practices,
6. establishing equipment sharing programs, or
7. other activities that increase the number of farmers implementing climate-smart agriculture and forestry practices.

§ 147 — STROKE REGISTRY

Requires DPH to maintain and operate a stroke registry and establishes a stroke registry data oversight committee within the legislative branch to monitor the registry's activities

The act requires DPH to maintain and operate a statewide stroke registry. Starting July 1, 2023, stroke centers must submit quarterly data to DPH on stroke care that (1) the commissioner deems necessary to include in the registry and (2) at a minimum, aligns with stroke consensus metrics developed and approved by a nationally recognized stroke certification body.

The act also requires DPH to apply privacy and security standards for the registry's data that are consistent with the department's policies for patient data use.

Additionally, the act establishes a stroke registry data oversight committee within the legislative branch. The committee must (1) monitor the registry's operation; (2) provide advice on its oversight; and (3) develop a plan to improve the quality of stroke care, address any disparities in providing this care, and develop related short- and long-term goals for improving care.

Under the act, "stroke centers" include comprehensive stroke centers, thrombectomy-capable stroke centers, primary stroke centers, and acute stroke-ready hospitals.

EFFECTIVE DATE: October 1, 2022

Records Access

Under the act, stroke centers must provide DPH access to their records, as the department deems necessary, to perform case findings or other quality improvement audits to ensure the completeness of the registry reporting and data accuracy. The act also allows DPH to (1) enter into reciprocal reporting agreements with other states to exchange stroke care data; (2) enter into a contract for receiving, storing, and maintaining data; and (3) adopt regulations to implement the act's provisions.

Data Oversight Committee

Under the act, the oversight committee's members include one member each appointed by the six top legislative leaders. The members serve two-year terms. Appointing authorities must make their appointments by July 1, 2023, and may consult with the Connecticut Stroke Advisory Council when selecting appointees.

The act requires the House speaker and Senate president pro tempore to each appoint a committee co-chairperson from among the members. The co-chairpersons must schedule the committee's first meeting by August 1, 2023.

Under the act, the Public Health Committee administrative staff serve in this capacity for the oversight committee.

Additionally, the act requires DPH to assist the committee in its work and provide any data or information the committee deems necessary to fulfill its duties, unless state or federal law prohibits the disclosure.

The act also requires the stroke registry data oversight committee's co-chairpersons, starting by January 1, 2024, to annually report to the Public Health Committee, DPH commissioner, and Connecticut Stroke Advisory Council on the committee's work.

§ 148 — 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

§§ 149-153 — LEAD POISONING PREVENTION AND TREATMENT

Generally lowers the threshold for blood lead levels in individuals at which DPH and local health departments must take certain actions; requires primary care providers to conduct annual lead testing for certain high-risk children ages 36 to 72 months; requires DSS to seek federal approval to amend the state Medicaid plan to add services to address the health impacts of high childhood blood lead levels in Medicaid-eligible children; and requires the DPH commissioner to convene a working group to recommend necessary legislative changes on various lead poisoning prevention and treatment issues

The act generally lowers the threshold for blood lead levels in individuals at which DPH and local health departments must take certain actions. Principally, it:

1. lowers, from 10 to 3.5 micrograms per deciliter (µg/dL), the threshold at which licensed health care institutions and clinical laboratories must report lead poisoning cases to DPH and local health departments;
2. lowers, from 5 to 3.5 µg/dL, the threshold at which local health directors must inform parents or guardians about (a) a child's potential eligibility for the state's Birth-to-Three program and (b) lead poisoning dangers, ways to reduce risk, and lead abatement laws;
3. incrementally lowers, from 20 to 5 µg/dL, the threshold for local health departments to conduct epidemiological investigations of the source of a person's lead poisoning; and
4. incrementally lowers, from 20 to 5 µg/dL, the threshold at which local health directors must conduct on-site inspections and remediation for children with lead poisoning until December 31, 2024.

Additionally, the act requires primary care providers to conduct annual lead testing for children ages 36 to 72 months whom DPH determines to be at higher risk of lead exposure based on certain factors.

It also requires the DSS commissioner to seek federal approval to amend the state Medicaid plan to add services needed to address the health impacts of high childhood blood lead levels in Medicaid-eligible children.

Lastly, the act requires the DPH commissioner to convene a working group to recommend necessary legislative changes on various lead poisoning prevention and treatment issues. The commissioner must report the working group's recommendations to the Appropriations, Education, and Public Health committees by December 1, 2022.

The act also makes technical and conforming changes.
EFFECTIVE DATE: January 1, 2023, except the lead poisoning prevention and treatment working group provision is effective upon passage.

Reporting Blood Lead Levels (§ 149)

By law, licensed health care institutions and clinical laboratories must report a person with blood lead levels that meet a specified threshold to DPH, local health departments, and the health care provider who ordered the testing. The act lowers the threshold amount from 10 to 3.5 µg/dL.

Providing Information to Affected Parents and Guardians (§ 149)

By law, local health directors must inform parents or guardians about (1) a child's potential eligibility for the state's Birth-to-Three program and (2) lead poisoning dangers, ways to reduce risks, and lead abatement laws. Under prior law, directors had to provide the information:

1. after receiving a report from a clinical laboratory or health care institution that a child had been tested with a blood lead level of at least 10 µg/dL, or any other abnormal body lead level, or
2. when a child was known to have a confirmed venous blood lead level of at least 5 µg/dL.

The act lowers these threshold amounts to 3.5 µg/dL.

Existing law, unchanged by the act, requires the local health director to provide the information to the parent or guardian only once, after the director receives the initial report.

On-Site Inspections and Remediation (§ 149)

Prior law required local health directors to conduct on-site inspections and order remediation for children with lead poisoning if:

1. at least one percent of Connecticut children under age six had reported blood levels of at least 10 µg/dL (directors had to take these actions for children who met this threshold in two tests taken at least three months apart) or
2. a child had a confirmed venous blood level of 15 to 20 µg/dL in two tests taken at least three months apart.

The act eliminates the first requirement and lowers the threshold for the second requirement to between (1) 10 and 15 ug/dL before January 1, 2024, and (2) 5 and 10 ug/dL from January 1, 2024, to December 31, 2024. (It appears that these inspections and remediation stop after this date, but the required epidemiological investigation and related actions continue; see below.)

Epidemiological Investigations (§ 150)

By law, if a local health director receives a report that a person's blood lead level exceeds a certain threshold, the director must conduct an epidemiological investigation of the lead source. The act lowers the threshold amount as follows:

1. from 20 to 15 µg/dL from January 1, 2023, to December 31, 2023;
2. from 15 to 10 µg/dL from January 1, 2024, to December 31, 2024; and
3. from 10 to 5 µg/dL starting January 1, 2025.

Existing law, unchanged by the act, requires the director to then act to prevent further lead poisoning, including by ordering abatement and trying to find temporary housing for residents when the lead hazard cannot be removed from their dwelling within a reasonable time.

The act specifies that the law does not prohibit a local health director from conducting an epidemiological investigation in cases of blood lead levels lower than the minimum amounts listed above.

Primary Care Provider Testing (§ 151)

The act requires primary care providers who provide pediatric care, other than hospital emergency departments, to conduct annual lead testing for children ages 36 to 72 months whom DPH determines to be at an elevated risk of lead exposure based on their enrollment in HUSKY or residence in a municipality with an elevated lead exposure risk. Under the act, DPH determines higher-risk municipalities based on factors such as the prevalence of (1) housing built before January 1, 1960, or (2) children with blood lead levels greater than 5 ug/dL.

Existing law, unchanged by the act, already requires primary care providers to perform lead testing on (1) all children ages 9 to 35 months, in accordance with the Advisory Committee on Childhood Lead Poisoning Prevention recommendations; (2) all children ages 36 to 72 months who have never been screened; and (3) any child under 72 months if the provider determines it is clinically indicated under the advisory committee's recommendations.

Medicaid State Plan Amendment (§ 152)

The act requires the DSS commissioner to seek federal authority to amend the state Medicaid plan to add services she determines are necessary and appropriate to address the health impacts of high childhood blood lead levels in those eligible for Medicaid. She must do this within available appropriations and to the extent federal law allows.

Under the act, these additional services may include case management, lead remediation, follow-up screenings, referrals to other available services, and other Medicaid-covered services the commissioner deems necessary.

In determining which services to add to the Medicaid program, the act requires the commissioner to coordinate them with the services already covered under the program.

Lead Poisoning Prevention and Treatment Working Group (§ 153)

The act requires the DPH commissioner to convene a working group to recommend any necessary legislative changes on the following:

1. lead screening for pregnant women or those planning pregnancy,
2. lead in schools and child care centers,
3. reporting lead test results or lead screening assessments to schools and child care centers in health assessments for new students,
4. reporting additional data from blood lead test laboratories and providers to DPH, and
5. any other lead poisoning prevention and treatment matters.

Working Group Members. Under the act, the working group's members include the DPH and DSS commissioners and the Office of Policy and Management (OPM) secretary, or their designees. It also includes the following members appointed by the DPH commissioner:

1. at least four individuals who are (a) medical professionals providing pediatric health care, (b) active in the public health and lead prevention field, or (c) from a community disproportionately impacted by lead;
2. two representatives of an association of health directors in the state;
3. one representative of a conference of municipalities in the state; and
4. one representative of a council of small towns in the state.

The act requires the DPH commissioner to make her appointments by June 6, 2022 (i.e., within 30 days after the act's passage). When doing so, she must use her best efforts to select members who reflect the racial, gender, and geographic diversity of the state's population.

Working Group Report. The act requires the DPH commissioner to report to the Appropriations, Education, and Public Health committees on the working group's recommendations by December 1, 2022. The working group terminates when the commissioner submits the report.

Background — Federal Centers for Disease Control and Prevention (CDC) Recommendation

In October 2021, the CDC updated its recommendations on children's blood lead levels, defining 3.5 µg/dL, instead of 5 µg/dL, as an elevated blood lead level.

Background — Related Act

PA 22-49 contains the same provisions on lead poisoning prevention and treatment.

§ 154 — SMALL BUSINESS EXPRESS PROGRAM

Allows DECD to contract with nongovernmental entities in carrying out the Small Business Express program

The act specifically allows the DECD commissioner to contract with nongovernmental entities in carrying out the Small Business Express (EXP) program. These entities may include nonprofits, economic and community development organizations, lending institutions, and technical assistance providers.

The EXP program provides financial assistance to qualifying small businesses.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-50, § 1, enacted identical provisions.

§ 155 — ECONOMIC ACTION PLAN IMPLEMENTATION AND FUNDING

Allows DECD to establish two new programs through which the department may distribute certain funding for projects that implement the state's Economic Action Plan

Prior law allowed the DECD commissioner, for FYs 22 to 24 and in coordination with the OPM secretary, to use bond funds, ARPA funding, and other available resources to provide the following:

1. up to $100 million in grants for "major projects" consistent with the state's Economic Action Plan (EAP), which the department could distribute by developing and issuing requests for proposals (RFPs); and
2. matching grants of up to $10 million each for these selected major projects, which the department could distribute through a competitive matching grant program.

New Programs

The act conforms law to current practice by making changes to the mechanisms described above by which DECD, for FYs 22 to 24 and in coordination with OPM, may allocate certain funding for major projects.

Specifically, the act allows the department to establish the following:

1. an Innovation Corridor program to provide grants for major projects, which replaces the prior RFP process, and

2. the Connecticut Communities Challenge program to provide community development grants, which replaces the prior matching grant program for selected projects.

The act requires DECD, under both programs, to develop a competitive application process and criteria consistent with the EAP's purposes to evaluate applications and select projects for funding.

Funding Amounts

The act caps the new programs' combined funding at $200 million, with up to $100 million in grants for each program. As under existing law, these grants may be funded through bonds, ARPA funds, and any other available resources.
EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-50, § 2, enacted identical provisions.

§ 156 — HISTORIC REHABILITATION TAX CREDIT PROGRAM FEES

Expands the allowable uses of application fees DECD receives through the Historic Rehabilitation Tax Credit program to include funding certain programs that advance historical preservation

The act expands the allowable uses of application fees DECD receives through the Historic Rehabilitation Tax Credit program to include funding programs that advance historic preservation in the state. Prior law limited the use of these fees solely to program administration costs.
EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-50, § 3, enacted identical provisions.

§ 157 — DECD TECHNICAL CHANGE

Makes a technical change to a DECD reporting requirement

The act makes a technical change to a DECD reporting requirement.
EFFECTIVE DATE: October 1, 2022

Background — Related Act

PA 22-50, § 4, enacted identical provisions.

§ 158 — RESEARCH AND DEVELOPMENT TAX CREDIT STUDY

Requires the DECD commissioner to study extending the research and development tax credit to pass-through entities

The act requires the DECD commissioner to (1) study, in consultation with the revenue services commissioner, extending the research and development tax credit to pass-through entities and (2) report on the study to the Commerce Committee by January 1, 2023.
EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-50, § 5, enacted identical provisions.

§ 159 — RELEASE-BASED REMEDIATION DRAFT REGULATIONS

Requires the DEEP commissioner give an advisory working group certain draft regulations for a release-based remediation program before adopting them

The act requires the DEEP commissioner to give the release-based remediation advisory working group draft regulations to implement a release-based remediation program before posting them on the state's eRegulations System. More specifically, she must do so at least 60 days before she posts a notice of intent on the system to adopt, amend, or repeal the regulations. The working group must provide advice and feedback on the draft within 30 days after receiving it. The group was established in 2020 to advise on the forthcoming release-based regulations (PA 20-9, September Special Session, § 19).

The act also requires the DEEP commissioner to convene at least one monthly meeting of the working group at least 15 days before she posts the eRegulations notice and after she provides the draft regulations. Additionally, she must provide a revised draft for the members' review before posting the notice.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-50, § 6, enacted identical provisions.

Background — Release-Based Remediation

Existing law transitions the state from its transfer-based approach to property remediation (i.e., the "Transfer Act") to a release-based approach (CGS § 22a-134pp et seq.). The release-based approach becomes effective when the DEEP commissioner adopts regulations for the program (e.g., establishing release reporting requirements and remediation standards).

§ 160 — MODEL STUDENT WORK RELEASE POLICY

Requires (1) the Office of Workforce Strategy's chief workforce officer to develop a model student work release policy and report it to certain legislative committees by July 1, 2023, and (2) all boards of education to adopt it

The act requires the Office of Workforce Strategy's chief workforce officer, in consultation with the education commissioner, the Technical Education and Career System's executive director, and the labor commissioner, to develop a model student work release policy by July 1, 2023. She must report on the policy by this date to the Commerce, Education, and Labor and Public Employees committees.

The act allows the chief workforce officer to update the policy as needed and requires her to notify each local and regional board of education about any update. Starting with the 2024-2025 school year, it requires boards of education to annually adopt the model student work release policy or the most recently updated version of it.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-50, § 7, enacted identical provisions.

§ 161 — CANCELLATION OF UNCOLLECTIBLE CLAIMS

Generally increases the maximum uncollectable claim amount that a state department or agency head may cancel from $1,000 to $5,000

The act generally increases, from $1,000 to $5,000, the maximum uncollectible claim amount that the head of a state department or agency may cancel on the department's or agency's books. Existing law, unchanged by the act, already allows the DEEP commissioner, subject to state comptroller-approved procedures, to cancel uncollectible costs of less than $5,000 related to addressing pollution, contamination, and certain waste.

Correspondingly, the act allows the OPM secretary to cancel uncollectible claims exceeding $5,000 for any state department or agency. Prior law allowed him to do so for uncollectible claims exceeding $1,000.

EFFECTIVE DATE: Upon passage

§ 162 — REDEMPTION CENTER GRANTS

Allows beverage container recycling grant program funds to be used for expanding redemption centers and eliminates the $150,000 cap on individual grants

The act expands the availability of grants under the beverage container recycling grant program by allowing grant funds to be used for expanding beverage container redemption centers, instead of only for new centers. It also (1) eliminates prior law's $150,000 per-grant cap that applied each fiscal year and (2) removes the requirement that grants be awarded on a rolling basis.

By law, the program provides grants for beverage container redemption centers in urban centers and environmental justice communities (i.e., municipalities or areas with certain economic or socioeconomic characteristics related to economic distress or poverty) lacking access to redemption locations. The grants may be used for initial operating expenses, infrastructure, technology, and other costs associated with a redemption center.

EFFECTIVE DATE: July 1, 2022

§§ 163-167 — CLASS II RPS & SUSTAINABLE MATERIALS MANAGEMENT PROGRAM

Starting in 2023, limits the Class II RPS requirement to only Class II renewable energy sources; requires that the penalties for failing to meet the Class II requirement be used to fund a DEEP-administered sustainable materials management program

In general, the state's Renewable Portfolio Standard (RPS) requires a portion of the power supplied to electric ratepayers to come from certain renewable energy sources. Starting on January 1, 2023, the act limits the Class II RPS requirement to only Class II renewable energy sources (i.e., trash to energy facilities). Prior law allowed both Class I (e.g., wind and solar) and Class II renewables to be used to meet the Class II requirement.

Starting on that same date, the act also requires that the alternative compliance payments for failing to meet the Class II requirement be deposited into a sustainable materials management account the act establishes, rather than be refunded to ratepayers as prior law required. The act requires the DEEP commissioner to establish and administer a sustainable materials management program to support solid waste reduction in the state using funds from the account.

Lastly, the act makes a technical change to fix an incorrect statutory reference (§ 166).

EFFECTIVE DATE: October 1, 2022

Class II RPS (§ 163)

Under the state's prior Class II RPS law, electric distribution companies (EDCs, i.e., Eversource and United Illuminating) and electric suppliers had to get 4% of their energy from either Class I or Class II renewable energy sources. Beginning January 1, 2023, the act requires the EDCs and suppliers to meet this 4% requirement with only Class II energy sources. By law, unchanged by the act, the Class II requirement is in addition to the Class I RPS requirement, which is 24% in 2022 and increases annually until it reaches 40% in 2030.

Alternative Compliance Payments (§§ 164-165)

By law, if an EDC or electric supplier fails to meet the Class II RPS requirement it must make a 2.5 cent per kilowatt hour alternative compliance payment (ACP) for the shortfall. Prior law required that the ACP be refunded to ratepayers, but starting January 1, 2023, the act instead requires that it be deposited in the sustainable materials management account created by the act.

Sustainable Materials Management Account & Program (§ 167)

The act establishes the sustainable materials management account as separate, nonlapsing General Fund account. The account must contain money collected by the Class II ACP, as described above, and the DEEP commissioner must spend it for the Sustainable Materials Management Program's purposes, as described below.

Starting January 1, 2023, the act requires the DEEP commissioner to establish and administer the Sustainable Materials Management Program to support solid waste reduction in the state. The program must provide funding from the account for programs and projects that promote affordable, sustainable, and self-sufficient waste management in the state by reducing solid waste generation or diverting it from disposal, consistent with the state's solid waste management plan. The

funding may be used for such things as grants, revolving loans, technical assistance, consulting services, and waste characterization studies that support the programs and projects implemented by entities that include municipalities, nonprofits, and regional waste authorities.

The act requires DEEP to annually submit a report to the Environment and Energy and Technology committees starting by January 1, 2024. The report must detail the expenditures of any funds disbursed from the account and the outcomes associated with those expenditures.

§ 168 — RENTSCHLER FIELD ANNUAL BUDGET

Eliminates requirements that the OPM secretary prepare and report on Rentschler Field's annual budget

The act eliminates requirements that the OPM secretary (1) prepare an annual operating and capital budget for the Rentschler Field facility and submit it to the state comptroller at least 90 days before the start of each fiscal year and (2) submit the budget to the Appropriations and Finance, Revenue, and Bonding committees after the comptroller provides comments on it. It similarly eliminates a requirement that the comptroller provide comments to the secretary within 45 days after receiving the budget.

A 2013 memorandum of understanding formally transferred Rentschler Field operating responsibilities from OPM to the Capital Region Development Authority (CRDA).

EFFECTIVE DATE: Upon passage

§ 169 — ENERGY PRODUCTION PLANT PURCHASE

Authorizes the administrative services commissioner to purchase the plant that produces and provides steam and heated and chilled water for the Capitol Area System

This act authorizes the administrative services commissioner to purchase the energy production plant at 490 Capitol Avenue in Hartford that currently produces and provides steam and heated and chilled water for the Capitol Area System (CAS), including related land, buildings, improvements, equipment, and fixtures. The act makes conforming changes to give the commissioner broad authority to operate the plant, similar to her powers regarding the CAS, as described below.

EFFECTIVE DATE: Upon passage

Plant Acquisition

The act authorizes the commissioner to (1) assume all supplier agreements and vendor, customer, and third-party contracts related to CAS, and (2) as necessary to carry out the act and a future purchase and sale agreement, perform and undertake any obligation and enter any agreement to accomplish any necessary transaction.

The act specifies that it does not (1) waive sovereign immunity other than terms specified in the agreement and (2) limit the state from changing how the plant is used if purchased, including its capacity, in the future.

The act makes several additional conforming changes relating to the power plant's acquisition and operation. More broadly, it also authorizes the commissioner to construct or acquire energy production plants in Hartford to provide heating and air conditioning through the CAS.

Rate Setting and Expenses

By law, the commissioner must periodically bill and collect CAS costs from state agencies and owners of non-state buildings using the CAS. If the plant is purchased, the act authorizes the commissioner to collect from these entities a pro-rata share of the acquisition, operating, maintenance, and repair costs related to the plant, including the legal and consultation costs for acquiring the plant.

Except for funds collected to recover the plant’s acquisition costs, which must be deposited in the General Fund, collected costs are deposited in the public works heating and cooling energy revolving account. The act correspondingly allows the commissioner to use the account to pay for the plant expenses.

§§ 170 & 171 — STATE EMPLOYEE HEALTH PLAN DEPENDENT COVERAGE

Requires certain health insurance coverage for children, stepchildren, or other dependent children of state or nonstate public employees to continue until at least the end of the calendar year after they either (1) obtain coverage through their own employment or (2) turn age 26, whichever occurs first

Existing law generally requires fully insured health, dental, and vision insurance coverage to extend through the policy year after a dependent turns age 26. It also requires the comptroller to procure health insurance coverage for eligible children, stepchildren, and other dependent children of state employees and certain nonstate public employees (e.g., municipal employees or employees of local boards of education or public libraries); however, it allows some of this coverage to extend through the end of the calendar year (rather than through the end of the policy year) after a dependent turns age 26.

The act resolves this conflict by explicitly requiring all fully insured coverage procured by the comptroller for these dependents to continue until the end of the calendar year after the dependent either (1) obtains coverage through their own employment or (2) turns age 26, whichever occurs first.

In practice, the state employee health plan, which is self-insured, already extends coverage for dependents to the end of the calendar year. The dental insurance plans the comptroller procures, however, are fully insured and directly affected by the act's changes.

The act applies to individual and group policies delivered, issued, amended, or renewed on or after July 1, 2022.

EFFECTIVE DATE: July 1, 2022

§§ 172-192 — VARIOUS CHANGES TO TRS

Makes various changes in the TRS statutes, including narrowing the definition of "teacher;" modifying aspects of lump sum payments; increasing the TRS monthly health insurance subsidy to school boards for retirees and their spouses meeting certain conditions; and changing the general TRS subsidy to school boards

The act makes various changes in the statutes governing TRS. They include, among other things, narrowing the definition of teacher, modifying aspects of lump sum payments, increasing the TRS monthly health insurance subsidy to school boards, and creating new employer reporting requirements. It also makes numerous changes that codify current practices and make other minor, technical, and conforming changes.

Definition of Teacher (§ 172)

The act changes the definition of teacher and by doing so narrows who can be a Teachers' Retirement System (TRS) member. By law, the definition includes teachers, permanent substitute teachers, principals, assistant principals, supervisors, assistant superintendents, and superintendents who work for a public school and hold a State Board of Education (SBE) professional certificate. But the act excludes business administrators who hold a certificate with an administration endorsement, who were included in the prior law's definition (such administrators hired before the act's effective date do not appear to be "grandfathered" in).

Prior law also included as "teachers" professional employees of the State Education Resource Center (SERC), a quasi-public agency that was once part of SDE, who hold an SBE-issued certificate or permit. The act limits this to only those hired before July 1, 2022.

By law, TRS members also include professional staff of the SBE, the Office of Early Childhood, and the Board of Regents for Higher Education or any of the constituent units. The act specifies they must also be employed in an educational role and defines this, as well as "educational capacity," as having duties and responsibilities that would require a state certification if performed in a public school.

The act adds Connecticut Technical Education and Career System (CTECS) professional staff and UConn faculty members to TRS if they are employed in an educational role. CTECS professional staff could already be in TRS when CTECS was part of SDE, but CTECS just became an independent state agency as of July 1, 2022.

Prior law allowed certified staff who provide health and welfare services to children in a nonprofit private school to be members, so long as most of the schools' students are from Connecticut. The act limits this to only those hired before July 1, 2022.

The act also changes the definition of "permanent substitute teacher" from someone who serves for at least 10 months during any school year to someone who has the same assignment for an entire school year.

Lump Sum and Annuity Payments (§ 175)

The law entitles TRS retirees to certain lump sum payments in addition to their monthly pension payment. Under prior law, the lump sum equaled the member's accumulated 1% contributions withheld before July 1, 1989, plus interest. The act adds any voluntary contributions the retiree made, plus interest, to the lump sum. Unchanged under the act, a member may choose to have an actuarially equivalent annuity for life rather than a lump sum.

Under the act, the lump sum must be paid within three months after (1) the effective date of retirement or (2) the date of the first payment for a TRS disability allowance. However, the act also allows the board to delay paying the lump sum in extenuating circumstances. In such a situation, the board must provide written notice to the member explaining the extenuating circumstances causing the delay and an estimated time when the board expects to make the payment.

Employer and Member Responsibilities (§ 179)

The law requires a member's employer to deduct the member's required contributions toward his or her retirement and forward them to the TRS. Under the act, if the employer does not deduct the monthly amount from the member's salary for the contribution, the member must remit the amount to the TRS board. A member who fails to remit the amount to the board will not receive the annual salary rate credit for the amount of the missed payment.

Retiree Health Insurance Subsidy Program Quarterly Reports (§ 181)

The act creates a new reporting requirement for the health insurance subsidy program for retirees. It requires each employer, by the first business day of each February, May, August, and November, to submit to the TRS board any information the board finds necessary about additions, deletions, and premium changes for the program. Employers must submit the information in a format the board requires. The program provides a subsidy for retired teachers who choose to stay on their former employer's health care plan.

An employer's failure to submit a quarterly report on time must delay the subsidy for that quarter, and the board must pay it retroactively.

The act limits retroactive subsidy payments to six months before the first day of the month in which the board receives the late report that includes newly eligible retired members or dependents.

In the case of a disability, the board must pay the subsidy retroactively to the effective date of the disability, so long as (1) any eligible members or dependents are added to the report by the first quarter after the board approved the disability and (2) the member's disability allowance starts within four months after the board's approval. Also, the act requires the employer to hold any member or dependents harmless for any costs associated with or arising from losing the subsidy benefit due to the employer's untimely or inaccurate filing of the quarterly report.

EFFECTIVE DATE: July 1, 2022

TRS Subsidy to Local Retiree Health Plans (§ 182)

The act increases, from $220 to $440 per person, TRS's monthly health insurance subsidy for certain retired teachers, and their spouses or surviving spouses or disabled dependents, who receive health insurance coverage from the retiree's last employing board of education. TRS pays the subsidy on behalf of the covered individual to the board of education.

The act similarly increases, from $220 to $440, the amount that the covered individual must contribute toward his or her medical and prescription drug plan provided by the board of education to qualify for the subsidy. By law and unchanged by the act, he or she must also (1) be normal age to participate in Medicare (currently, age 65); (2) not be eligible for Part A of Medicare without cost; and (3) pay the difference between the subsidy and the premium cost.

The act also changes the general subsidy that TRS pays to local boards of education (or the state, if applicable) on behalf of retirees, spouses or surviving spouses, or disabled dependents who receive health coverage from the board or the state but who do not meet the above criteria. It requires TRS to pay a subsidy of $220 per covered individual. (The act does not indicate how often the subsidy is paid. Presumably, it is monthly.) Under prior law, TRS had to pay a subsidy equal to the subsidy amount paid in FY 00 (in practice, $110 per month per covered individual).

EFFECTIVE DATE: July 1, 2022

§ 193 — PERSONAL CARE ATTENDANTS (PCA) CONTRACT APPROVAL

Approves the memorandum of agreement between the PCA Workforce Council and the New England Health Care Employees Union, District 1199, SEIU

The act legislatively approves the memorandum of agreement between the PCA Workforce Council and the New England Health Care Employees Union, District 1199, SEIU. It also approves any attachments or appendices to the agreement and any provisions that supersede a state law or regulation. The agreement was submitted for legislative approval on April 20, 2022, as required by the law that allows PCAs working through certain state-funded programs to collectively bargain with the state.
EFFECTIVE DATE: Upon passage

§ 194 — PAID FAMILY MEDICAL LEAVE ANTI-RETALIATION

Prohibits employers from taking certain retaliatory actions against employees under the state's Paid Family and Medical Leave law

The act makes it a violation of the state's paid family and medical leave law (PFML) for an employer to (1) interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided by the PFML or (2) discharge or cause to be discharged, or in any other way discriminate against someone, for (a) opposing an illegal practice under the PFML or (b) exercising an employee's rights under the PFML.

It similarly makes it a PFML violation for any person to discharge or cause to be discharged, or in any other way discriminate against, someone because he or she (1) filed a charge, or started or caused to be started any proceeding, under or related to the PFML; (2) gave, or is about to give, any information in connection with an inquiry or proceeding relating to any right provided under the PFML; or (3) testified, or is about to testify, in such an inquiry or proceeding.

Existing law, unchanged by the act, similarly makes these same actions violations of the state's Family and Medical Leave Act and the family and medical leave law for state employees. As with these other violations, an employee aggrieved by a violation of these provisions involving the PFML may file a complaint with the labor commissioner under the same procedures. An employee may also sue the employer without first having to file an administrative complaint.
EFFECTIVE DATE: July 1, 2022

§ 195 — REPRODUCTIVE HEALTH CARE SERVICES DEFINITION

Expands the definition of "reproductive health care services" in a recently passed act to include gender dysphoria treatments

The act expands the definition of "reproductive health care services" in PA 22-19, § 1, to include medical care relating to gender dysphoria treatments. In doing so it extends to gender dysphoria treatments that act's protections for reproductive health care services, including (1) a cause of action for persons against whom there is an out-of-state judgment based on them and (2) limitations on the assistance officers of Connecticut courts, public agencies, and certain health care providers may deliver in out-of-state judicial actions related to them. Under PA 22-19, § 1, "reproductive health care services" already included all medical, surgical, counseling, or referral services related to the human reproductive system, such as pregnancy, contraception, or pregnancy termination.
EFFECTIVE DATE: July 1, 2022

§§ 196 & 197 — TOBACCO SETTLEMENT FUND AND TOBACCO AND HEALTH TRUST FUND

Annually redirects $12 million of Tobacco Settlement Fund proceeds from the General Fund to the Tobacco and Health Trust Fund and makes certain changes to the Tobacco and Health Trust Fund's legislative reports

Starting in FY 23, the act annually redirects $12 million of Tobacco Settlement Fund proceeds from the General Fund to the Tobacco and Health Trust Fund. Under prior law, the entire annual disbursement from the Tobacco Settlement Fund went to the General Fund (specifically, the "Transfer from Tobacco Settlement Fund" in the legislature's General Fund revenue schedule). (PA 22-146, § 25, eliminates references to the "Transfer from Tobacco Settlement Fund" and the revenue schedule for this purpose while still redirecting $12 million annually from the General Fund to the Tobacco and Health Trust Fund.)

The act requires that the Tobacco and Health Trust Fund's board, by majority vote, recommend annual disbursements to programs for the fund's statutory purposes (i.e., tobacco use prevention, education, and cessation; substance abuse reduction; and unmet physical and mental health needs of the state). Under the act, these disbursements must be the full amount of any money received from the Tobacco Settlement Fund for that year (i.e., $12 million). Under prior law, the disbursements were discretionary and could be up to $12 million.

Prior law required the Tobacco and Health Trust Fund's board of trustees to report to the legislature on certain matters following any year in which the fund received deposits from the Tobacco Settlement Fund. The act (1) instead requires the board to report every two years to the Appropriations and Public Health committees and (2) adds to the report's required topics an accounting of any unexpended amount in the trust fund. Under existing law, the report must include (1) the fund's disbursements and other expenditures, (2) an evaluation of the programs being funded, and (3) the criteria and application process used to select programs for funding.

The act also makes related technical and conforming changes, including eliminating obsolete language related to certain tobacco grants.

EFFECTIVE DATE: July 1, 2022

§ 198 — ID CHECKS FOR TOBACCO SALES

Requires sellers, or their agents or employees, to request that each person intending to purchase cigarettes or tobacco products, regardless of apparent age, present a driver's license or identity card to establish that the person is at least 21 years old

Existing law (1) prohibits the sale of cigarettes or tobacco products to people under age 21 and (2) allows sellers, or their agents or employees, to perform a transaction scan to check the validity of a prospective purchaser's driver's license or identity card as a condition of sale.

The act requires sellers, or their agents or employees, to request that each person intending to purchase cigarettes or tobacco products (regardless of apparent age) present a driver's license or identity card to verify that they are at least 21 years old. Previously, they had to ask only those prospective buyers who appeared to be under age 30 to show proper proof of age.

EFFECTIVE DATE: July 1, 2022

§ 199 — DAS REPORT ON STATE AGENCY VACANCIES AND HIRING

Requires DAS to report monthly during FY 23 on the number of vacancies, new hires, and refused employment offers for each state agency

The act requires DAS, by the 15th day of each month during FY 23, to report to the Appropriations Committee on the number of (1) vacant positions in each state agency, (2) people each agency hired during the previous month, and (3) people who refused an employment offer by each agency in the previous month.

EFFECTIVE DATE: Upon passage

§§ 200-204 — PSYCHEDELIC-ASSISTED THERAPY

Establishes (1) a Psychedelic-Assisted Therapy Pilot Program at the Connecticut Mental Health Center, (2) a fund to administer program grants, and (3) an 11-member advisory board within DMHAS to advise the department on various issues related to this therapy; makes related changes to the potential rescheduling of certain psychedelic substances (PA 22-146, § 28, repeals these sections)

The act establishes a Psychedelic-Assisted Therapy Pilot Program at the Connecticut Mental Health Center (CMHC), within available appropriations, to provide qualified patients with funding needed to receive MDMA-assisted or psilocybin-assisted therapy (hereinafter "psychedelic-assisted therapy") as part of a U.S. Food and Drug Administration (FDA)-approved expanded access program. The pilot program ends when the U.S. Drug Enforcement Administration (DEA) approves MDMA and psilocybin for medical use. (MDMA (i.e., "Molly" or "ecstasy") is a synthetic psychoactive drug and psilocybin occurs naturally in some mushrooms. Both act as serotonin receptor agonists and MDMA also acts as a reuptake inhibitor of serotonin and dopamine.)

Under the act, "qualified patients" include Connecticut residents who are veterans, retired first responders, or direct health care workers.

Additionally, the act:

1. establishes, within available appropriations, a Qualified Patients for Approved Treatment Sites Fund (PAT Fund) administered by CMHC to give grants to certain qualified providers to provide psychedelic-assisted therapy under the pilot program;
2. establishes an 11-member Connecticut Psychedelic Treatment Advisory Board within DMHAS to advise the

department on various issues related to psychedelic-assisted therapy;
3. requires DCP to adopt DEA's controlled substances schedule for MDMA and psilocybin if DEA approves them for medical use and either reclassifies or unschedules them; and
4. requires DCP to consider adopting nonbinding federal guidelines on psychedelic-assisted therapy and allow for written comments from the advisory board and the public.

The act also makes technical and conforming changes.

(PA 22-146, §§ 20 & 28, repeals this act's provisions and instead requires DMHAS, by January 1, 2023, to establish a psychedelic-assisted therapy pilot program, within available appropriations, administered by a Connecticut medical school.)
EFFECTIVE DATE: July 1, 2022

PAT Fund

Starting in FY 23, the act allows (1) any federal block grant funds allocated to CMHC to be deposited in the PAT Fund and (2) CMHC to accept public or private contributions to the fund.

The act requires CMHC to use PAT funds for grants to qualified applicants to provide psychedelic-assisted therapy to qualified patients under the pilot program.

Under the act, "qualified applicants" are mental or behavioral health services providers approved by the FDA as an approved treatment site with an expanded access protocol that allows the provider to access an investigational drug for treatment use, including emergency use.

Advisory Board Duties

The act establishes an 11-member Connecticut Psychedelic Treatment Advisory Board to advise DMHAS on designing and developing the regulations and infrastructure needed to safely allow therapeutic access to psychedelic-assisted therapy if MDMA, psilocybin, and any other psychedelic compounds are legalized. Specifically, the advisory board must:

1. review and consider data from the psychedelic-assisted therapy pilot program to inform the development of the regulations;
2. advise DMHAS on (a) necessary education, training, licensing, and credentialing of therapists and facilitators; (b) patient safety and harm reduction; (c) establishing equity measures in clinical and therapeutic settings; (d) cost and insurance reimbursement considerations; and (e) treatment facility standards;
3. advise DMHAS on using group therapy and other therapy options to reduce cost and maximize public health benefits from psychedelic treatments;
4. monitor updated federal regulations and guidelines for referral and consideration by the state agencies responsible for implementing them;
5. develop a long-term strategic plan to improve mental health care through psychedelic treatment;
6. recommend equity measures for clinical subject recruitment and facilitator training recruitment; and
7. help develop public awareness and education campaigns.

Advisory Board Membership

Under the act, advisory board members include:

1. two members each appointed by the Senate president pro tempore and House speaker;
2. one member each appointed by the House and Senate minority leaders;
3. two members appointed by the governor; and
4. one member each appointed by the consumer protection, mental health and addiction services, and public health commissioners.

The act requires the advisory board to include members with experience or expertise in psychedelic research, psychedelic-assisted therapy, public health, access to mental and behavioral health care in underserved communities, veterans' mental and behavioral health care, harm reduction, and sacramental use of psychedelics.

Advisory Board Leadership and Administrative Staff

The act requires the Senate president pro tempore and House speaker to select the advisory board chairpersons from among its members. The chairpersons must oversee establishing and making recommendations on the board's voting procedures.

The act allows the board to have committees and subcommittees if they are needed for its operation.

Under the act, the General Law Committee administrative staff serve as the advisory board's administrative staff, with assistance from the Office of Legislative Research and Office of Fiscal Analysis, if needed.

Federal Guidelines on Psychedelic-Assisted Therapy

The act requires DCP to consider adopting any nonbinding U.S. Department of Health and Human Services guidelines on practicing psychedelic-assisted therapy. It permits the Connecticut Psychedelic Treatment Advisory Board and the public to submit written comments to DCP during a notice and comment period the department establishes on (1) adopting the guidelines and (2) any suggested changes to them to better meet state residents' needs.

The act requires DCP to post the procedures and deadline to submit written comments during the notice and comment period on its website.

§ 205 — ESSENTIAL WORKERS COVID-19 ASSISTANCE PROGRAM

Expands the program to cover a broader range of essential workers; extends the application deadline until the end of 2022; makes various changes to how the program's benefits must be determined and administered

The act expands the Essential Workers COVID-19 Assistance Program to cover a broader range of essential employees and extends the deadline to apply for the program's benefits from July 20, 2022, to December 31, 2022. By law, the program provides financial assistance for uncompensated leave, out-of-pocket medical expenses, and burial expenses to certain essential employees who could not work between March 10, 2020, and July 20, 2021, due to contracting COVID-19 or symptoms that were later diagnosed as COVID-19.

The act also changes how the program's benefits must be determined and administered by generally:

1. requiring that a claimant's benefits for uncompensated leave be reduced by the amount of any employer-provided paid leave the claimant received for the same time;
2. allowing the program to pay a claimant benefits for one type of claim (e.g., uncompensated leave) while a claim for a different type of benefits (e.g., medical expenses) is pending; and
3. requiring the program administrator to review any claim that was denied or pending as of May 7, 2022 (when the act took effect), and make a new eligibility determination.

Under the act, a claimant's disability or unemployment claim must not prevent the program administrator from approving a claim, as long as the program's benefits are offset by any disability or unemployment benefits paid to the claimant for his or her uncompensated leave, including payments made without prejudice. The act also specifies that it does not require a claimant who has received unemployment benefits to be currently employed with a previous employer to qualify for the program's benefits.

EFFECTIVE DATE: Upon passage

Essential Employees

The act expands the "essential employees" covered by the program to include employees who the CDC's Advisory Committee on Immunization Practices recommended for a COVID-19 vaccination in phase 1c of the first vaccine rollout as of February 20, 2021. These include, among others, certain employees in the following workforce categories: transportation and logistics, food service, energy, shelter and housing, IT and communication, news media, public safety, public health, finance, and legal.

Prior law limited the essential employees covered by the program to only those who the CDC recommended for a COVID-19 vaccination in phase 1a or 1b. These include health care personnel, firefighters, police officers, corrections officers, food and agricultural workers, manufacturing workers, grocery store workers, public transit workers, education sector workers, and child care workers.

Benefit Offset for Partial Paid Leave

By law, the program provides partial wage replacement benefits for a claimant's uncompensated leave. Under prior law, however, these benefits were not available to cover any leave for which the claimant received paid leave through an employer-provided paid leave plan or under a state or federal law. The act instead requires that a claimant's uncompensated leave benefit from the program be reduced by any amounts that he or she received through an employer-provided paid leave plan or under a state or federal law. In effect, this allows a claimant who received a partial paid leave benefit to also receive a correspondingly reduced benefit from the program instead of being disqualified.

Partial Claims

By law, the program provides eligible claimants with benefits for uncompensated leave, out-of-pocket medical costs, and burial expenses. If the program administrator has asked a claimant for additional information to process a claim, the act allows the administrator to pay the claimant for the completed parts of his or her claim while the remaining part of the claim is pending (e.g., a claimant may receive payments for uncompensated leave while the claim for medical costs is pending).

§ 206 — CLARIFICATION CONCERNING LOCAL APPROVAL OF OUTDOOR DINING

Specifies that local approval of outdoor dining pursuant to PA 22-1, § 2, does not exempt operators from complying with the Liquor Control Act

The act specifies that while municipalities must allow outdoor dining operations as-of-right (see Related Act), if their operators are liquor licensees or permittees, they must comply with applicable provisions of title 30 (i.e., the Liquor Control Act). This requirement applies to operations approved pursuant to PA 22-1, § 2, which takes effect May 1, 2023.
EFFECTIVE DATE: May 1, 2023

Background — Related Act

PA 22-1 extends by 13 months, until April 30, 2023, the law that allows as-of-right outdoor dining and retail activities authorized by the governor's executive orders during the COVID-19 pandemic to continue (§ 1). It also correspondingly delays, from April 1, 2022, to May 1, 2023, the effective date of provisions requiring municipalities to indefinitely allow outdoor dining as an as-of-right accessory use to a food establishment (§ 2).

§ 207 — DOC REPORT ON PRISON SUBSTANCE USE DISORDER AND MENTAL HEALTH SERVICES

Requires DOC to annually review, evaluate, and make recommendations on (1) substance use disorder and mental health services for incarcerated individuals and (2) reintegrating these individuals into the community

The act requires the DOC commissioner to annually review, evaluate, and make recommendations on (1) substance use disorder and mental health screening, diagnostic, and treatment services available to individuals who are incarcerated, throughout their entire incarceration and (2) reintegrating these individuals into the community. In doing so, the commissioner must consult with the Department of Mental Health and Addiction Services and judicial branch.

The act requires the DOC commissioner, starting by January 1, 2023, to annually report on this review to the Appropriations, Judiciary, and Public Health committees.

It also repeals an obsolete reporting provision.
EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-133 requires the DOC commissioner, by January 1, 2023, to develop a plan for providing health care services to inmates at DOC correctional institutions, including mental health, substance use disorder, and dental care services.

§§ 208-209 — RESERVED SECTIONS

Reserved sections

§ 210 — PILOT PROGRAM COLLECTING FIRE AND RESCUE SERVICE DATA

Requires DESPP to establish a three-year pilot program implementing a fire and rescue service data collection system

The act requires the DESPP commissioner, in consultation with the DAS commissioner, the state fire marshal, OPM secretary, and the Commission on Fire Prevention and Control chairman, to set up and administer a pilot program, until July 1, 2025, to collect fire and rescue service data. The pilot program must be set up within available appropriations and either:

1. use the National Fire Operations Reporting System or
2. develop a system capable of real-time tracking information relevant to fire and rescue responses, including call processing time, alarm handling, and turnout time.

Any local or regional fire department or district may apply to participate if it is challenged or in crisis regarding delivery of fire and rescue services. The act also specifies that the Tolland County Mutual Aid Emergency Communications Center, Quinebaug Valley Emergency Communications Center, Litchfield County Dispatch, Valley Shore Emergency Communications Center, and Northwest Connecticut Public Safety Communications Center may participate.

If the DESPP commissioner approves a department or district's application, he must admit it to the data collection program within 60 days. The commissioner must give departments and districts participating in the program monthly reports on their collected response data.

By July 1, 2023, and each year after, the commissioner must evaluate the pilot program, including its overall effectiveness in collecting the relevant data. The commissioner must report on the evaluation and any recommendations to the Public Safety and Planning and Development committees.

EFFECTIVE DATE: July 1, 2022

§ 211 — UNEMPLOYMENT TAX CHANGES

For 2023, reduces the unemployment tax rate that certain new employers must pay by 0.2% and lowers the maximum fund balance tax rate from 1.4% to 1.2%

New Employer Experience Rates

By law, new employers that have not been chargeable with unemployment benefits for a long enough time to have their own unemployment tax experience rate calculated must pay either 1% or the state's five-year benefit cost rate, whichever is higher. For tax years starting on or after January 1, 2022, the law requires that the state's five-year benefit cost rate be calculated without the benefit payments and taxable wages for calendar years 2020 and 2021 when applicable. For 2023, the act requires that the state's five-year benefit cost rate be calculated this same way but then reduced by 0.2%.

The benefit cost rate is determined by dividing the total benefits paid to claimants over the previous five years by the five-year payroll over that period.

Fund Balance Tax Rate

By law, an employer's overall unemployment tax rate includes a fund balance rate calculated to help maintain a statutorily determined amount of funding in the unemployment trust fund. Prior law capped this rate at 1.4%, but the act lowers the cap to 1.2% for 2023. Under existing law, unchanged by the act, the cap will decrease to 1.0% in 2024.

EFFECTIVE DATE: July 1, 2022

§§ 212-215 — INSURANCE HOLDING SYSTEM GROUP CAPITAL CALCULATIONS AND LIQUIDITY STRESS TESTS

Generally adopts amendments to the National Association of Insurance Commissioners' Insurance Holding Company System Regulatory Act related to group capital calculations and liquidity stress tests

Existing law allows the insurance commissioner to supervise and review insurers doing business in Connecticut that are affiliated with an insurance holding company system, which is two or more affiliated people or companies, one of which is an insurance company.

This act generally adopts the National Association of Insurance Commissioners (NAIC) amendments to the Model Insurance Holding Company System Regulatory Act on group capital calculations and liquidity stress tests for insurers affiliated with an insurance holding company.

The act also incorporates NAIC amendments that ensure a domestic insurance company in receivership that is associated with an insurance company holding system continues to receive essential services from an affiliate that it has contracted with. It:

1. requires insurers that are in hazardous financial condition and are part of an insurance holding company to secure money or a bond that covers certain existing obligations and
2. subjects companies affiliated with, and that have certain contractual obligations to, an insurer in receivership to the receiver's authority in certain circumstances.

For insurers that are part of an insurance holding company system, the act also requires agreements within an insurance company holding system to (1) keep an insurer's data accessible, identifiable, and segregated and (2) maintain as the insurer's exclusive property any of its premiums or funds held by an affiliate.

The act also integrates third party consultants into certain provisions of existing law that govern how, and with whom, NAIC can share certain confidential information.

Additionally, the act expands the definition of "internationally active insurance group" for the purposes of insurance holding company regulation. Existing law defines an "internationally active insurance group" as an insurance group that, among other things, writes (1) premiums in at least three countries and (2) at least 10% of its gross premiums outside the United States. For the purpose of this calculation, the act includes in "gross premiums", administrative service fees, associated expenses, and claim payments.

Finally, the act makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2022

Group Capital Calculations

By law, insurers doing business in Connecticut as part of an insurance holding company system must register with the Connecticut insurance commissioner.

The act requires the ultimate controlling person of these insurers to file an annual group capital calculation concurrently with their registration by June 1 annually. The group capital calculation must be filed with the lead state commissioner, as determined by certain NAIC procedures (e.g., the commissioner of the state in which the holding company is domiciled).

The report must be completed using the NAIC Group Capital Calculation Instructions and Reporting Template.

Exemptions

The act exempts from these group capital calculation filing requirements an insurance company holding system that meets any of the following conditions:

1. has only one insurer in its company structure, only writes business and is only licensed in its domestic state, and assumes no business from any other insurer;
2. is subject to the group capital requirements applicable to an insurance group that owns a Federal Reserve Board-supervised depository institution (in which case the act requires the lead state commissioner to request the applicable capital requirements from the Board; and the insurer loses the exemption if information sharing agreements prevent the Board from disclosing them);
3. has a non-U.S. group-wide supervisor from a reciprocal jurisdiction that recognizes the U.S. regulatory approach; or
4. (a) provides information to the lead state commissioner, through the group-wide supervisor, that meets certain NAIC financial standards and accreditation requirements and that the supervisor deems satisfactory to allow the lead state commissioner to comply with a specified NAIC group supervision approach and (b) whose non-U.S. group-wide supervisor that is not in a reciprocal jurisdiction recognizes and accepts, as the lead state commissioner specifies in regulation, the group capital calculation as the world-wide group capital assessment for U.S. insurance groups that operate in that jurisdiction.

The act requires the lead state commissioner to require the group capital calculation for the U.S. operation of any non-U.S. based insurance holding company system if, after consultation with other supervisors or officials, the lead state commissioner determines it is appropriate for prudent oversight, solvency monitoring, or ensuring market competitiveness. The lead state commissioner must require these regardless of the two exemptions for insurance holding company systems with non-U.S. group-wide supervisors listed above (items 3 and 4 above).

The act also gives the lead state commissioner the discretion to exempt the ultimate controlling person from filing the annual group calculation for insurance holding company systems described in items 1 and 4 above, or to accept a limited group capital filing report from these systems in accordance with criteria the commissioner specifies in regulation.

If the commissioner determines an insurance holding company system no longer meets one of the exemptions above, it must file the group capital calculation at the next annual filing, unless the lead state commissioner gives an extension based on reasonable grounds.

Liquidity Stress Tests

Under the act, the ultimate controlling person of every insurer subject to registration (i.e., insurers affiliated with insurance holding companies) that is also "scoped into" the NAIC liquidity stress test framework for that year must file the

specified year's liquidity stress test's results with the lead state commissioner (the act does not define the term "scoped into").

The NAIC liquidity stress test framework includes scope criteria applicable to a specific data year. The act specifies that these scope criteria are reviewed at least annually by the NAIC Financial Stability Task Force ("task force"), and that any changes to the framework or data year take effect on January 1 of the following year.

The act requires insurers meeting at least one threshold of the scope criteria to be scoped into the NAIC liquidity stress test framework, unless the lead state commissioner, in consultation with the task force, determines otherwise. Correspondingly, insurers that do not trigger at least one scope criteria threshold are scoped out, unless the lead state commissioner, in consultation with the task force, determines otherwise.

The performance of, and filing of the results from, a specific year's liquidity stress test must comply with (1) the applicable NAIC liquidity stress test framework instructions and reporting guidelines and (2) any lead state commissioner determinations made in consultation with the task force or its successor.

Group Capital Calculation and Liquidity Stress Test Confidentiality

The act makes confidential the information reported and provided to the lead state commissioner by an insurance holding company system (including one supervised by the Federal Reserve Board) for group capital calculations and liquidity stress tests. Specifically, the information is:

1. confidential and privileged;
2. not subject to disclosure under the state's Freedom of Information Act; and
3. not subject to subpoena, discovery, or admissible in any civil action.

The act also makes documents and materials submitted to the commissioner related to certain insurance company acquisitions confidential and not subject to disclosure or discovery in a civil action in the same way existing law does for other documents insurance company holding systems submit.

The act specifies these group capital calculations and the resulting group capital ratios, and the liquidity stress tests and their results and supporting disclosures, are only regulatory tools for assessing group risks and capital adequacy and are not intended to rank insurers or insurance holding company systems generally.

Insurance Companies in Hazardous Financial Condition

The act adds provisions related to insurance companies that must register as part of an insurance holding company system that the commissioner determines are in hazardous financial condition or in a condition that would otherwise be grounds for supervision, conservation, or delinquency, under applicable existing law or regulations.

Under the act, the commissioner may require these companies to secure and maintain a (1) deposit, to be held by the commissioner, or (2) bond, as the company determines. The deposit or bond must protect the insurance company for the duration of the contracts, agreements, or conditions that are causing the hazardous financial condition.

In determining whether to require a bond or deposit, the commissioner must consider whether the company's affiliates could fulfill its contracts or agreements if the company were liquidated. The commissioner sets the bond or deposit amount, which cannot exceed the value of the contracts or agreements in any one year. He may also specify which contracts or agreements the bond or deposit must cover.

Data, Record, and Premium Ownership and Control

The act specifies that all of an insurance company's records and data held by an affiliate remain property of the insurance company and are subject to the company's control. The records must be identifiable and segregated (or readily capable of segregation) from all other persons' records and all of the affiliate's data. Under the act, an insurer cannot pay to segregate commingled records and data.

At the insurer's request, the affiliate must allow the receiver to have:

1. a complete set of any records about the insurer's business,
2. access to the operating systems where the data is maintained, and
3. software that runs the systems (either by assuming the licensing agreements or otherwise).

The act also restricts the affiliate's use of this data if it is not operating the insurer's business.

Under the act, the affiliate must provide a waiver of any landlord lien or other encumbrance to give the insurer access to all records and data if the affiliate defaults on a lease or other agreement.

Additionally, premiums or other funds that belong to the insurer that are collected or held by an affiliate are the insurer's exclusive property, and subject to its control. The act specifies that any rights to offsets of amounts due to or from an insurer or affiliate are governed by existing insurer receivership laws if the insurer goes into receivership.

Rehabilitator or Liquidator's Authority Over an Affiliate

By law, an insurer that intends to contract with an affiliate for certain purposes must notify the commissioner first. Under the act, an affiliate that is party to a management agreement, service contract, tax allocation agreement, or cost-sharing arrangement for which the insurer must give prior notice to the commissioner is also subject to the:

1. jurisdiction of any rehabilitation or liquidation order against the insurer and
2. authority of any rehabilitator or liquidator appointed under existing law to interpret, enforce, and oversee the affiliate's contractual obligations.

The commissioner can require an agreement or contract to specify that the affiliate consents to this authority. These provisions apply to contracts or agreements under which the affiliate performs services for the insurer that are:

1. an integral part of the insurer's operations, including management, administration, accounting, data processing, marketing, underwriting, claims handling, investment, or similar functions, or
2. essential to the insurer's ability to fulfill its obligations under insurance policies.

Sharing Information With Third-Party Consultants

Existing law allows the Connecticut insurance commissioner to acquire from and share with certain parties' confidential information related to regulatory reports and insurer oversight, under certain conditions. Prior law allowed him to acquire and share this information with NAIC and its affiliates or subsidiaries. The act instead allows this sharing with NAIC and any third-party consultants the commissioner designates.

Existing law requires the commissioner, before acquiring or sharing information, to enter into agreements that specify procedures for maintaining the information's confidentiality. The act also requires these written agreements to:

1. require the recipient to agree in writing to maintain the confidentiality and privileged status of the documents, materials, or other information and verify in writing their legal authority to do so (existing law already requires this to be affirmed in writing before the commissioner shares information);
2. prohibit NAIC or third-party consultants the commissioner designates from storing information on a permanent database after the underlying analysis is completed, excluding certain documents related to the liquidity stress tests; and
3. for certain documents related to the liquidity stress tests and only in the case of an agreement with a third-party consultant, provide for notice of the consultant's identity to the applicable insurer.

§ 216 — WORKING GROUP ON CRIMINALIZING COERCION AND INDUCEMENT

Establishes a 10-member working group to develop recommendations for possible legislation to criminalize coercion and inducement as described under federal law

The act establishes a 10-member working group to examine and develop recommendations on potential legislation to criminalize acts of coercion and inducement as described under federal law (see *Background*).
EFFECTIVE DATE: Upon passage

Composition

The working group includes the chief public defender or her designee; the chief state's attorney or his designee; and eight individuals, appointed one each by the Senate president pro tempore, House speaker, House and Senate minority leaders, and the Judiciary Committee chairpersons and ranking members.

The appointed members may be legislators.

Timeline

The appointing authorities must (1) make their appointments by July 6, 2022, and (2) provide a copy of the appointment to the Judiciary Committee administrator within seven days after the appointment.

The Senate president pro tempore's appointee must serve as chairperson and schedule and hold the working group's first meeting by August 5, 2022.

Reporting and Termination

The working group must (1) report its recommendations to the Judiciary Committee by January 15, 2023, and (2) terminate on the later of the date it submits the report or January 15, 2023.

Background — Coercion and Inducement Under Federal Law

Under federal law, anyone who knowingly persuades, induces, entices, or coerces another person to travel in interstate or foreign commerce, or in any United States territory or possession, to engage in prostitution, or in any sexual activity for which anyone can be charged with a criminal offense, or attempts to do so, must be fined, imprisoned up to 20 years, or both.

Anyone who, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces a minor (i.e., person under age 18) to engage in prostitution or any sexual activity for which anyone can be charged with a criminal offense, or attempts to do so, must be fined and imprisoned at least 10 years or for life (18 U.S.C. § 2422).

§§ 217-223 — HEALTH CARE BENCHMARKS

Requires OHS to establish benchmarks for health care quality and cost growth and primary care spending targets and allows OHS to identify entities that do not meet them

The act expands the OHS's duties to include, among other things, setting annual benchmarks for health care quality and cost growth and primary care spending targets. When developing these benchmarks and spending targets, the OHS executive director may hold informational public hearings and consider certain specified information. Adopted benchmarks and spending targets must be posted on OHS's website.

The act requires health care payers and provider entities to provide the executive director with specified health care cost and quality data, which she must use to publish annual reports on the total health care expenditures in Connecticut, health care quality benchmarks, and information on payers and provider entities that meet or exceed these metrics. She must annually report on these issues to the Insurance and Public Health committees.

Under the act, a "provider entity" is an organized group of clinicians that (1) come together for contracting purposes or (2) is an established billing unit that includes primary care providers and has enough attributed lives (i.e., patients), collectively, to participate in total cost of care contracts during any given calendar year, even it does not. "Payer" is a government (e.g., Medicaid and Medicare) or non-government health plan and any of their affiliates, subsidiaries, or businesses acting as a payer that, during any calendar year, pays (1) health care providers for health care services or (2) pharmacies or provider entities for certain prescription drugs that the OHS executive director designates.

Additionally, the act requires the executive director to identify (1) payers and provider entities who exceed the health care cost growth and quality benchmarks or fail to meet the primary care spending target and (2) any other entities (e.g., drug manufacturers) that significantly contribute to health care cost growth. The act allows the executive director to require these payers, providers, and entities to participate in a public hearing and discuss, among other topics, ways to reduce their contribution to future health costs.

The act also allows the executive director to adopt implementing regulations to carry out its provisions and OHS's existing statutory obligations. Finally, it makes minor and conforming changes.

EFFECTIVE DATE: Upon passage

OHS Duties (§ 217)

The act adds the following to OHS's duties:

1. setting an annual health care cost growth benchmark and primary care spending target, as described below;
2. developing and adopting health care quality benchmarks, as described below;
3. developing strategies, in consultation with stakeholders, to meet these benchmarks and targets;
4. enhancing the transparency of provider entities; and
5. monitoring the (a) development of accountable care organizations and patient-centered medical homes and (b) adoption of alternative payment methodologies in Connecticut.

Annual Health Care Benchmarks and Spending Targets (§ 219)

By July 1, 2022, the OHS executive director must publish on the office's website (1) health care cost growth benchmarks and annual primary care spending targets as a percentage of total medical expenses for calendar years 2021 through 2025 and (2) annual health care quality benchmarks for calendar years 2022 through 2025.

Under the act, "total medical expense" is the total cost of care for a payer or provider entity's patient population in a calendar year, calculated as the sum of (1) all claims-based spending paid to providers by public and private payers, net of pharmacy rebates; (2) all nonclaims payments, including incentive and care coordination payments; and (3) all per-capita patient cost-sharing amounts.

The director must develop, adopt, and post on the office's website by July 1, 2025, and every five years after, the following for provider entities and payers: (1) annual health care cost growth benchmarks and annual primary care spending targets for the next five calendar years and (2) annual health care quality benchmarks for the next five calendar years.

Developing Health Care Benchmarks and Spending Targets. In developing the health care cost growth benchmarks and primary care spending targets, the act requires the executive director to consider (1) any historical and forecasted changes in median income for state residents and the potential gross state product growth rate; (2) the inflation rate; and (3) the most recent total health care expenditure report required under the act.

For health care quality benchmarks, the executive director must consider the following:

1. quality measures endorsed by nationally recognized organizations, including the National Quality Forum, the National Committee for Quality Assurance, the federal Centers for Medicare and Medicaid Services and Centers for Disease Control and Prevention, the Joint Commission, and other expert organizations that develop health quality measures;
2. measures about health outcomes, overutilization, underutilization, patient safety, and community or population health; and
3. measures that meet standards of patient-centeredness and ensure consideration of differences in preferences and clinical characteristics within patient subpopulations.

Public Hearings and Modifying Benchmarks or Targets. The act requires the executive director to hold at least one informational public hearing before adopting the health care benchmarks and spending targets. It also authorizes her to hold additional informational hearings on (1) the proposed health care quality benchmarks and (2) health care cost growth benchmarks and primary care spending targets after they have been set. The hearings must be held at a time and place she designates, and a notice must be prominently posted on the OHS website and in a form and manner she prescribes. Under the act, the executive director may modify any benchmark or spending target if she determines, after a hearing, that doing so is reasonably warranted.

The act also requires the executive director to annually review the current and projected inflation rates and post on OHS's website her findings, including her reasons for changing or maintaining a benchmark. For modifications to health care cost growth benchmarks, the act does not require an additional hearing if the modifications are due to inflation rates. Additionally, the act does not require an additional hearing for any changes to the health care quality benchmark. The executive director must post a summary of any informational public hearing she holds on these benchmarks and targets on OHS's website, including her decision to modify them if applicable.

Legislative Approval for Certain Cost Benchmarks. The OHS executive director must submit proposed cost growth benchmarks to the Insurance and Real Estate Committee for review and approval if the average annual benchmark is higher by more than 0.5% compared to the average annual benchmark for the prior five years.

The benchmarks are deemed approved unless the committee votes to reject them within 30 days at a meeting called for this purpose. If rejected, the executive director can resubmit modified benchmarks for review and approval, and she is not required to hold additional public hearings on them. Until new benchmarks are approved, the annual benchmarks are equal to the average annual health care cost growth benchmark for the prior five calendar years.

Authority to Contract. The act allows the executive director to enter into necessary contractual agreements with actuarial, economic, and other experts and consultants to develop, adopt, and publish these health care benchmarks and spending targets.

Annual Reporting Requirements (§ 220)

Payer Reports. Beginning by August 15, 2022, the act requires each payer to report aggregated data annually to the OHS executive director, including aggregated, self-funded data necessary for her to calculate (1) total health care expenditures; (2) primary care spending as a percentage of total medical expenses; and (3) net cost of private health insurance. Payers must also disclose, upon request, payer data required for OHS to adjust total medical expense calculations to reflect patient population changes. Under the act, "total healthcare expenditures" are the sum of all health care

expenditures in Connecticut from public and private sources for a given calendar year, including all claims-based spending paid to providers, net of pharmacy rebates; all patient cost-sharing amounts; and the net cost of private health insurance. "Net cost of private health insurance" is the difference between premiums earned and benefits incurred, including the insurers' cost of paying bills; advertising; sales commissions and other administrative costs; net additions or subtractions from reserves; rate credits and dividends; premium taxes; and profits or losses.

Additionally, the act requires payers and provider entities, starting by August 15, 2023, to report annually to the executive director on the health care quality benchmarks she adopts.

Payers and provider entities must report the data described above in a form and manner the executive director prescribes for the preceding or prior years, upon her request and based on material changes to data previously submitted.

Annual OHS Health Care Expenditure Report. Beginning by March 31, 2023, the OHS executive director must annually prepare and post on the office's website a report on total health care expenditures. The report must use the total aggregate medical expenses that payers report, including a breakdown of population-adjusted total medical expenses by payer and provider entities. It may also include information on the following:

1. trends in major service category spending;
2. primary care spending as a percentage of total medical expenses;
3. the net cost of health insurance by payer by market segment, including individual, small group, large group, self-insured, student, and Medicare Advantage markets; and
4. any other factors the executive director deems relevant to providing context, which must include the impact of inflation and medical inflation, the impacts on access to care, and responses to public health crises or similar emergencies.

The act also requires the executive director to annually request the unadjusted total medical expenses for Connecticut residents from the federal Centers for Medicare and Medicaid Services.

Annual OHS Health Care Quality Benchmark Report. The act requires the executive director, by March 31, 2024, to annually prepare and post on the office's website a report about health care quality benchmarks reported by payers and provider entities.

Authority to Contract. The act allows the executive director to enter into contractual agreements necessary to prepare the annual health care expenditure and quality benchmark reports, including contracts with actuarial, economic, and other experts and consultants.

Failure to Meet Health Care Benchmarks and Spending Targets (§§ 221 & 222)

Payers and Provider Entities. Beginning in 2023, the act requires the OHS executive director to identify each payer or provider entity that exceeded the health care cost growth benchmark or failed to meet the primary care spending target for the performance year (i.e., the most recent year for which certain data are available). She must do so annually by May 1. However, before identifying any payer or provider entity, she must meet with it upon its request to review and validate the total medical expense data collected. She must review any information the payer or provider entity provides and, if necessary, amend her findings before identifying it as exceeding the health care cost growth benchmark or failing to meet the spending targets.

Beginning in 2024, she must also identify, annually by May 1, each payer or provider entity that exceeded the health care quality benchmark for the performance year. She must similarly meet with any payer or provider entity upon its request to review and validate the quality data she collected and, if necessary, amend her findings before making a determination.

Within 30 days of making these identifications, the act requires the executive director to notify the payer or provider entity, in a form and manner she prescribes, (1) that she identified its failure to meet a health care benchmark or spending target and (2) the factual basis for her identification.

Other Contributing Entities. Beginning in 2023, if the executive director determines that the annual percentage change in total health care expenditures for the performance year exceeded the health care cost growth benchmark, then the act requires her to identify any entity that significantly contributed to exceeding the benchmark. Under the act, an "other entity" is a pharmacy benefit manager (PBM), provider that is not a provider entity, or a drug manufacturer. She must do this for each calendar year by May 1, based on the following:

1. the OHS total health care expenditure annual report;
2. annual reports that existing law requires PBMs to submit to the insurance commissioner on prescription drug rebates;
3. OHS's annual list of up to 10 outpatient prescription drugs that are either provided at substantial cost to the state or critical to public health, required under existing law;
4. information from the state's all-payer claims database; and
5. any other information that the executive director in her discretion deems relevant.

The act requires the executive director to also account for costs, net of rebates and discounts, when identifying these entities.

Annual Informational Public Hearings. The act requires the executive director to annually hold informational public hearings as follows:

1. starting by June 30, 2023, to compare the growth in total health care expenditures in the performance year to the associated health care cost growth benchmark and
2. starting by June 30, 2024, to compare the performance of payers and provider entities in the performance year to the associated health care quality benchmark.

Hearings on Total Health Care Expenditures. The act requires annual informational public hearings on health care expenditures to examine (1) OHS's most recent annual total health care expenditure report; (2) payer and provider entity expenditures, including health care cost trends, primary care spending as a percentage of total medical expenses, and the factors contributing to them; and (3) any other matters the executive director deems relevant.

The act allows the executive director to require hearing participation from any payer or provider entity that she determines is a significant contributor to the state's health care cost growth or has failed to meet the primary care spending target for that year. These entities must testify on the issues the executive director identifies and provide additional information on actions they have taken to (1) reduce their contribution to future state health care costs and expenditures and (2) increase their primary care spending as a percentage of total medical expenses.

Similarly, the executive director may also require participation in the hearing by any other entity she determines is a significant contributor to the state's health care cost growth during the performance year. These entities must also provide testimony and additional information in the same manner as payers and provider entities described above. If the other entity is a drug manufacturer whose participation is required with respect to a specific drug or drug class, then the act permits the hearing, to the extent possible, to include representatives from at least one brand-name manufacturer; one generic manufacturer; and one innovator company that is less than 10 years old.

Hearings on Quality Performance Benchmarks. The act requires the annual informational public hearing on provider entity quality performance to examine the most recent OHS annual report on health care quality benchmarks and any other matters that the executive director deems relevant.

Under the act, the executive director may require hearing participation from any payer or provider entity that she determines failed to meet the health care quality benchmarks during the performance year. Payers or provider entities required to participate must provide testimony on issues the executive director identifies and additional information on actions they have taken to improve their quality benchmark performance.

Annual Legislative Reports on Public Hearing Information. The act requires the OHS executive director, starting by October 15, 2023, to report annually to the Insurance and Public Health committees on her analysis of the information submitted during the most recent informational public hearing on total health care expenditures. The report must do the following:

1. describe health care spending trends in the state, including trends in primary care spending as a percentage of total medical expenses, and the factors underlying these trends;
2. include any findings from the total health care expenditure report;
3. describe how to monitor any unintended adverse consequences from the cost growth benchmarks and primary care spending targets, as well as any findings from doing so; and
4. disclose the office's recommendations, if any, on strategies to increase the efficiency of the state's health care system, including any recommended legislative changes.

Additionally, the act requires the executive director, starting by October 15, 2024, to report annually to the Insurance and Public Health committees on her analysis of the information submitted during the most recent informational public hearing on health care quality benchmarks. In the report, the executive director must (1) describe health care quality trends in the state and their underlying factors; (2) include the findings from the health care quality benchmark report; and (3) disclose the office's recommendations, if any, on strategies to improve the quality of the state's health care system, including any recommended legislative changes.

§ 224 — HEALTH ENHANCEMENT PROGRAMS

Requires health carriers to develop at least two health enhancement programs by January 1, 2024, provide incentives for their use, and cover associated costs

The act requires health carriers to develop at least two health enhancement programs (HEPs) by January 1, 2024. Under the act, an HEP is a health benefit program that ensures access and removes barriers to essential, high-value clinical services.

The act requires each HEP to (1) be available to each insured under the health insurance policy and (2) provide incentives for choosing to complete certain preventive examinations and screenings the U.S. Preventive Services Task Force recommends with an "A" or "B" rating.

The act prohibits an HEP from imposing any penalty or negative incentive on an insured. It also specifies that an insured cannot be required to participate in an HEP.

Additionally, the act requires certain individual and group health insurance policies to cover the HEPs. It authorizes the insurance commissioner to adopt related implementing regulations.

The act's HEP provisions apply 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.

EFFECTIVE DATE: January 1, 2023

§§ 225 & 226 — CERTIFICATE OF NEED APPLICATION FEE AND TERMINATION OF SERVICES

Increases the certificate of need application fee for health care institutions based on a project's cost; defines "termination of services" to mean ending services for more than 180 days

Under the CON law, health care institutions (e.g., hospitals, freestanding emergency departments, and outpatient surgical facilities) must generally receive approval from the Office of Health Strategy when establishing new facilities or services, changing ownership, acquiring certain equipment, or terminating services. For purposes of applying the CON requirements, the act defines "termination of services" to mean ending services for more than 180 days.

The act also increases the nonrefundable CON application fee from $500 to a range of $1,000 to $10,000, depending on the proposed project's cost as shown in the table below.

CON Application Fees Under the Act

Application Fee	*Project Cost*
$1,000	Up to $50,000
2,000	>$50,000 and up to $100,000
3,000	>$100,000 and up to $500,000
4,000	>$500,000 and up to $1 million
5,000	>$1 million and up to $5 million
8,000	>$5 million and up to $10 million
10,000	>$10 million

EFFECTIVE DATE: Upon passage

§§ 227 & 250 — OHS EXECUTIVE DIRECTOR AS STATUTORY DEPARTMENT HEAD

Retains the OHS executive director as a statutory department head and makes a technical change

Under prior law, the OHS executive director was scheduled to be removed from the list of statutory department heads as of July 1, 2022. The act reverses this scheduled removal and retains the executive director as a department head on and after that date.

The act also makes a technical change to reflect that the former Department of Rehabilitation Services has been renamed as the Department of Aging and Disability Services (§ 250).

EFFECTIVE DATE: July 1, 2022

§ 228 — OPTICAL STORES REMAINING OPEN WITHOUT OPTICIAN PRESENT

Allows optical stores, in limited circumstances, to remain open for up to four consecutive days without an optician's supervision, and limits the activities that the store's owners or employees may perform during these periods

Existing law generally prohibits the retail sale of prescription eyeglasses, contact lenses, and related products (including non-corrective cosmetic contact lens) except (1) under a licensed optician's supervision and (2) in a registered optical establishment, office, or store ("establishment") that has a DPH optical selling permit. (There is an exception for licensed optometrists and ophthalmologists dispensing items to their patients.)

The act generally specifies that an optician must provide direct supervision over the sale of these products. But it allows optical establishments to remain open during regular business hours without an optician's supervision, under limited circumstances, for up to four consecutive business days.

During these periods, the act prohibits these establishments' owners or employees from taking various actions, such as selling these products or taking someone's related measurements. It makes a violation of this prohibition an unfair trade practice.

EFFECTIVE DATE: October 1, 2022

Conditions Allowing Optical Establishments to Remain Open in Absence of Optician

Under the act, a DPH-registered optical establishment may remain open to the public during regular business hours, without an optician's supervision, for up to four consecutive business days under the following conditions: (1) there are reasonably unanticipated circumstances (see below), (2) the establishment took reasonable action to have another optician present, and (3) the establishment posts a clear and conspicuous sign that an optician is not on site (see below).

Under the act, reasonably unanticipated circumstances for these purposes include at least the following: the optician's illness, injury, family emergency, or termination or resignation from the establishment.

The required sign must state the following:

NO LICENSED OPTICIAN ON PREMISES:
CONNECTICUT LAW PROHIBITS ACTIVITIES BY EMPLOYEES RELATED TO PRESCRIPTION EYEGLASSES OR CONTACT LENSES, INCLUDING MEASURING, SELLING, OR ORDERING IN ANY MANNER, FITTING, DELIVERING OR DISPENSING PRESCRIPTION EYEWEAR UNTIL THE OPTICIAN RETURNS.

During these periods when an optical establishment is open without an optician's supervision, the act prohibits the establishment's owners or employees from doing the following:

1. selling or ordering prescription eyeglasses, contact lenses, and related products (including non-corrective contact lenses);
2. performing measurements on any individual for these products, including determining interpupillary distance, vertical fit heights, and using frame size, bridge size, and temple length to recommend the fit of a frame;
3. making medically relevant recommendations for these products, including frame type, lens style or material, lens tint, or multifocal type, or any recommendations for any specific type of contact lenses or disinfection system for them;
4. fitting, adjusting, or otherwise altering or manipulating these products;
5. delivering these products; or
6. transacting an online sale for these products.

§ 229 — BUDGET RESERVE FUND SURPLUS

Prescribes, through FY 23, the order in which the state treasurer must transfer excess BRF funds to reduce the state's unfunded pension liability

Existing law establishes the Budget Reserve Fund (BRF) and authorizes it to hold up to 15% of net general fund appropriations for the current fiscal year. Once the BRF reaches this limit, 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 to be in the state's best interests, or to pay off other forms of outstanding state debt (CGS § 4-30a(c)).

The act requires the treasurer, from May 7, 2022, through the end of FY 23, 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.

EFFECTIVE DATE: Upon passage

§ 230 — MINIMUM RATE FOR ICF-IIDS

Requires DSS to increase the minimum per diem, per bed rate for ICF-IIDs to $501

The act requires DSS to increase the minimum per diem, per bed rate to $501 for intermediate care facilities for individuals with intellectual disability (ICF-IIDs).
EFFECTIVE DATE: July 1, 2022

§ 231 — DPH STUDENT LOAN REPAYMENT PROGRAM

Requires providers participating in DPH's Student Loan Repayment Program to provide behavioral health services and expands the types of clinicians that the program may recruit

The act broadens DPH's Student Loan Repayment Program to require community-based providers to provide, or arrange access to, behavioral health services in addition to other services currently required (e.g., primary and preventative health services). It also expands the types of primary care clinicians that may be recruited through the program to include psychiatrists, psychologists, licensed clinical social workers, licensed marriage and family therapists, and licensed professional counselors. (PA 22-81, § 28, also makes these changes and includes additional requirements for FY 23.)

By law, the program provides three-year grants to community-based primary care providers to expand health care access to the uninsured by (1) funding direct services, (2) recruiting and retaining primary care clinicians and registered nurses through salary subsidies or loan repayment programs, and (3) funding capital expenditures. In practice, the program generally repays education loans in exchange for a specified period of employment in federally designated health professional shortage areas.
EFFECTIVE DATE: Upon passage

§§ 232 & 233 — MEDICAL ASSISTANCE AND IMMIGRATION

Expands eligibility for state-funded medical assistance provided regardless of immigration status to cover children ages 12 and under, rather than ages 8 and under, and requires children eligible for the assistance to continue receiving it until they are age 19

By January 1, 2023, existing law requires the DSS commissioner to provide state-funded medical assistance, within available appropriations, to certain children regardless of their immigration status. Under the law, DSS must provide the assistance to children who are not eligible for Medicaid, the Children's Health Insurance Program (CHIP), or affordable employer-sponsored insurance, and have household incomes (1) up to 201% of the federal poverty limit (FPL) without an asset limit (aligning with HUSKY A limits under Medicaid) or (2) over 201% and up to 323% of FPL (generally aligning with HUSKY B limits under CHIP).

The act expands eligibility for this assistance by requiring DSS to provide it to children ages 12 and under, rather than ages 8 and under as prior law required. Under the act, a child who is eligible for assistance under these provisions must continue to receive it until he or she is 19 years old, so long as he or she continues to (1) meet income requirements and (2) be ineligible for Medicaid, CHIP, or affordable employer-sponsored insurance.
EFFECTIVE DATE: Upon passage

§ 234 — CHCPE COST SHARING REDUCTION

Reduces, from 4.5% to 3%, the required cost sharing for participants in the state-funded portion of the Connecticut Homecare Program for Elders

The act reduces cost sharing for the state-funded portion of the Connecticut Homecare Program for Elders (CHCPE) from 4.5% to 3% of service costs as shown in the table below.

CHCPE Participant Cost Sharing Under Prior Law and the Act

Participant Category	*Cost Sharing Under Prior Law*	*Cost Sharing Under the Act*
Participants with income at or below 200% FPL* and Medicaid-ineligible	4.5% of care costs/month	3% of care costs/month
Participants with income greater than 200% FPL	4.5% of care costs/month and an applied income amount (calculated by subtracting certain personal needs allowances from their gross income)	3% of care costs/month and the applied income amount
Participants living in government-subsidized affordable housing programs	An applied income copay if income is greater than 200% FPL	No change
*In 2022, 200% of the FPL is $27,180 for an individual and $36,620 for a family of two		

CHCPE is a Medicaid-waiver and state-funded program that provides a range of home- and community-based services for eligible people ages 65 or older who are at risk of inappropriate institutionalization (e.g., nursing home placement). In comparison to the Medicaid-waiver component, the program's state-funded portion has no income limit and has higher asset limits. The state has authority to limit program enrollment or make wait lists based on available resources.
EFFECTIVE DATE: July 1, 2022

§ 235 — COMMUNITY SPOUSE PROTECTED AMOUNT

Increases the minimum amount of assets an institutionalized Medicaid recipient's spouse may keep from $27,480 (in 2022) to $50,000 and requires DSS to report on the change to the Aging, Appropriations, and Human Services committees

The act requires DSS to increase the minimum amount of allowable assets kept by the spouse of a Medicaid recipient residing in a medical or long-term care facility (i.e., "community spouse protected amount" (CSPA)). Under prior law, the spouse could keep the greater of (1) the federal minimum CSPA ($27,480 in 2022) or (2) half the couple's combined assets, up to the federal maximum CSPA ($137,400 in 2022). The act raises the state minimum CSPA to $50,000.

It also requires the DSS commissioner to report by July 1, 2023, to the Aging, Appropriations, and Human Services committees on (1) how many community spouses were able to keep additional assets due to the raised minimum and (2) the cost to the state for raising the minimum.

The act allows the DSS commissioner to adopt regulations to implement its provisions.
EFFECTIVE DATE: July 1, 2022

Background — CSPA

When an institutionalized Medicaid recipient has a spouse living at home, federal law allows the spouse to keep some of the couple's assets to prevent his or her impoverishment (i.e., CSPA). Federal law sets the minimum and maximum CSPAs, and the state must update the amounts each year.

Background — Related Act

PA 22-121 requires the DSS commissioner to study the cost and feasibility of allowing a community spouse to retain the maximum amount of assets allowed under federal Medicaid law (i.e., federal maximum CSPA).

§§ 236 & 237 — TEMPORARY FAMILY ASSISTANCE (TFA) STANDARDS

Beginning in FY 23, sets the income limit for the TFA program at 55% FPL, rather than a regional standard

To be eligible for TFA, Connecticut's cash assistance program, a family must (1) have a dependent child (or pregnancy) and (2) meet income and asset limits. The monthly income limit for TFA applicants is known as the standard of need (SON), which represents the amount necessary to meet a family's normal, recurring, basic needs. Under prior law, the DSS commissioner was required to set the SON based on the cost of living in the state. As a result, the SON depended on the applicant's (1) family size and (2) region of residence. Beginning in FY 23, the act eliminates the requirement that the commissioner set the SON and instead sets it at 55% of FPL. (In 2022, 55% of the FPL is $10,071 for a family of two and $12,667 for a family of three.) It also appears to similarly eliminate an obsolete requirement for the commissioner to set a SON for the state-administered general assistance program.

In doing so, the act replaces regional variability in TFA program standards with one consistent statewide standard that will be adjusted annually based on the U.S. Department of Health and Human Services' annual calculation of the FPL.

The TFA benefit amount is based on a payment standard (i.e., 73% of the SON in effect on June 30, 1995, under its predecessor program, Aid to Families with Dependent Children) that also depends on family size and region. Except for certain exempted fiscal years, prior law generally required the DSS commissioner to annually increase these payment standards by the average percentage increase in the consumer price index for urban consumers (CPI-U) but capped it at 5%. The act eliminates this annual increase requirement for the TFA program and instead, beginning in FY 23, sets the payment standard at 73% of the new TFA SON or approximately 40% of the FPL.

It also makes conforming changes to eliminate references to regional standards under HUSKY C, which provides Medicaid coverage for people who are at least age 65, blind, or living with a disability. Under existing law and the act, the HUSKY C income limit is 143% of the TFA benefit amount for a person with no income (effectively equivalent to 57.5% FPL).

EFFECTIVE DATE: July 1, 2022

§ 238 — MEDICAID REIMBURSEMENT FOR VENTILATOR BEDS

For FY 23, requires the DSS commissioner to amend the Medicaid state plan to increase the per diem reimbursement rate for chronic disease hospitals by $500 for ventilator beds

For FY 23, the act requires the DSS commissioner to amend the Medicaid state plan to increase the per diem reimbursement rate for chronic disease hospitals by $500 for beds provided to patients on ventilators.

EFFECTIVE DATE: July 1, 2022

§ 239 — FQHC PAYMENTS

Requires DSS to reimburse FQHCs (1) on an all-inclusive encounter rate per client encounter, based on a prospective payment system under federal law, and (2) according to requirements in existing state regulations; prohibits FQHCs from providing nonemergency, periodic dental services on different dates of service to enable billing for separate encounters

The act establishes several requirements related to DSS's payments to federally qualified health centers (FQHCs) for services provided under medical assistance programs (e.g., Medicaid). These requirements include, among other things, limitations on payments for nonemergency dental visits at FQHCs.

Prior law authorized, but did not require, DSS to reimburse FQHCs for multiple services provided in a day, regardless of the type of services the center provided. Generally, the act instead requires DSS to reimburse FQHCs (1) on an all-inclusive encounter rate per client encounter, based on a prospective payment system under federal law and state regulations, and (2) according to requirements in state regulations (see *Background*). For reimbursement purposes, the act considers the following types of patient encounters to be single encounters: (1) an encounter with more than one health professional for the same type of service and (2) multiple interactions with the same health professional that occur on the same day, unless a patient suffers illness or injury after the first encounter and requires additional diagnosis and treatment.

The act prohibits FQHCs from providing nonemergency, periodic dental services on different dates of service to enable billing for separate encounters. It requires FQHCs to complete these services in one visit (e.g., exams, prophylaxis, and radiographs such as bitewings, complete series, and periapical imaging). The act makes second visits to complete any service normally included during a nonemergency periodic dental visit ineligible for reimbursement unless the visit is medically necessary and clearly documented that way in the patient's dental record.

The act also eliminates an obsolete reporting requirement.

EFFECTIVE DATE: July 1, 2022

Background — Prospective Payment System

Federal law allows states to pay FQHCs an amount calculated on a per visit basis and based on the FQHC's costs for providing service in a previous year, adjusted by the Medicare Economic Index (a measurement of inflation in health care costs) and any changes to the FQHC's scope of services. The law also allows states to use an alternative payment methodology if (1) the state and the FQHC agree and (2) it results in a payment at least equal to the above (42 U.S.C. § 1396a(bb)).

Background — State Regulations for FQHCs

State regulations limit FQHC claims to one all-inclusive encounter per day, including all services received by a client on the same day, unless (1) the client suffers an illness or injury after the first encounter that requires additional diagnosis or treatment or (2) the client has different types of visits on the same day (e.g., medical and dental or medical and behavioral health). Under the regulations, Medicaid pays for one medical, one dental, and one behavioral health encounter per day (Conn. Agencies Regs. § 17b-262-1002).

§§ 240 & 241 — COMMUNITY HEALTH WORKER GRANT PROGRAM

Transfers DPH's Community Health Worker Grant Program to DSS, increases the individual and aggregate caps on program grants, and extends the program by one year

The act transfers the Community Health Worker Grant Program established in last year's budget act from DPH to DSS (PA 21-2, June Special Session (JSS), §§ 36 & 37). In doing so, it requires DSS to review program applications and allows the department to enter into agreements with people, firms, corporations, or other entities to operate the program. The program gives grants to community action agencies (CAAs) that employ community health workers serving people adversely affected by the COVID-19 pandemic. Under the act, CAAs that seek to employ these workers are also eligible.

Prior law capped the amount of any grant issued under the program at $30,000 annually. The act increases this to $40,000 and specifies that this is the amount of funding that a CAA may receive per year for each community health worker it employs. The act increases, from $6 million to $7 million, the cap on the total amount of grants issued under the program. It also requires DPH to transfer to DSS $3 million allocated for the program for each year in FYs 22 and 23 in last year's budget act (PA 21-2, JSS, § 306).

The act expands the information that CAAs must include in a grant application to include strategies for integrating community health workers into a person's care delivery team, including the capacity to address health care and social service needs. Under the act, the application must include both the number of health workers the CAA employs and the number it seeks to employ, rather than one or the other as under prior law.

Prior law prohibited the department from issuing grants after June 30, 2023. The act delays this deadline by one year to June 30, 2024, and correspondingly extends the period for grant availability as posted on the department's website.

The act eliminates an outdated requirement that the DPH commissioner report to the Human Services and Public Health committees on the program's progress and any legislative proposals. But it retains a second reporting requirement for the program, due January 1, 2024, and makes a conforming change to require DSS to make the report instead of DPH.
EFFECTIVE DATE: Upon passage

§ 242 — TEMPORARY FINANCIAL RELIEF FOR NURSING HOMES

Eliminates requirements for how DSS must allocate $10 million in ARPA funds for nursing homes

By law, DSS must provide temporary financial relief for nursing homes from the $10 million in federal funds allocated to DSS under ARPA (P.L. 117-2). The act eliminates provisions requiring DSS to (1) allocate grants based on the difference between the issued and calculated nursing home reimbursement rate and (2) issue these as one-time grants, adjusted proportionally based on available funding.
EFFECTIVE DATE: Upon passage

§ 243 — COMMUNITY OMBUDSMAN PROGRAM

Creates a Community Ombudsman program to, among other things, respond to complaints about long-term services and supports provided in DSS-administered home and community-based programs (repealed and replaced by PA 22-146 §§ 7 & 29)

The act creates a Community Ombudsman program within the Office of the Long-Term Care (LTC) Ombudsman. It charges the program with, among other things, responding to complaints about long-term services and supports provided to adults in home and community-based programs administered by DSS. (PA 22-146, § 29 repealed this provision and PA 22-146, § 7 replaced it with a similar program within available appropriations.)

Under the act, by October 1, 2022, the LTC Ombudsman must (1) appoint a community ombudsman program supervisor and up to 12 regional community ombudsmen and (2) hire up to two administrative staff, all of whom report to the LTC Ombudsman. Among other things, the act requires the LTC Ombudsman, program supervisor, and regional community ombudsmen to ensure that any home care recipient's health data obtained by the program is protected according to the Health Insurance Portability and Accountability Act (HIPAA).

Under the act, a "home care provider" is a person or organization, including a home health agency, hospice agency, or homemaker-companion agency. "Long-term services and supports" are (1) health, health-related, personal care, and social services for people with physical, cognitive, or mental health conditions or disabilities to help with optimal functioning and quality of life or (2) hospice care for people nearing the end of their lives.

EFFECTIVE DATE: July 1, 2022

Community Ombudsmen Duties

The act requires the program supervisor and regional community ombudsmen to:

1. have access to data on LTC services and supports provided by a home care provider to a client, if the client or his or her authorized representative generally consents in writing (see below);
2. identify, investigate, refer, and resolve complaints about home care services;
3. raise public awareness about home care and the program;
4. advocate for LTC options and promote access to home care services;
5. coach people in self-advocacy; and
6. provide referrals to home care clients.

The act grants the ombudsmen access to data without a client's written consent if he or she cannot provide it due to (1) a physical, cognitive, or mental health condition or disability and (2) the lack of an authorized representative. In this case, the program supervisor must determine that the data is necessary to investigate a complaint about the client's care.

LTC Ombudsman Oversight

The act requires the LTC Ombudsman's office to oversee the community ombudsman program and provide administrative and organizational support by:

1. developing and implementing a public awareness strategy;
2. applying for, or collaborating with other state agencies to apply for, available federal funding;
3. collaborating with administrators of other states' programs and services to design and carry out an agenda promoting the rights of elderly people and people with disabilities;
4. providing information to public and private agencies, elected and appointed officials, and the media on home care recipients' problems and concerns;
5. advocating for improvements in the home and community-based long-term services and supports system; and
6. recommending changes in federal, state, and local laws, regulations, policies, and actions pertaining to the health, safety, welfare, and rights of home care recipients.

Starting by December 1, 2023, the LTC Ombudsman must annually report to the Aging, Human Services, and Public Health committees on (1) the program's public awareness strategy implementation, (2) the number of people served, (3) the number of home care complaints filed, (4) the disposition of these complaints, and (5) any gaps in services and resources needed to address them.

§§ 244 & 245 — BAN ON NON-COMPETE CONTRACTS

Prohibits contracts between a homemaker-companion agency or home health agency and a client from including a "no-hire" clause

The act prohibits contracts between a homemaker-companion agency or home health agency and a client from including a "no-hire" clause that, should the client directly hire an agency employee, (1) imposes a financial penalty; (2) assesses any charges or fees, including legal fees; or (3) contains language that can create grounds for a breach of contract assertion or a claim for damages or injunctive relief. It does so by expressly deeming the clauses against public policy and void.

Under existing law, homemaker, companion, or home health services contract provisions that restrict a person's right to provide these services in any area of the state for any time period or to a specific person (i.e., a "covenant not to compete") are also against public policy, void, and unenforceable (CGS § 20-681).
EFFECTIVE DATE: Upon passage

§ 246 — LONG-ACTING CONTRACEPTIVES AT FQHCS

Requires the DSS commissioner to allocate $2 million from FY 23 federal funds allocated to the department, for the purchase and provision of long-acting reversible contraceptives by federally qualified health centers

The act requires the DSS commissioner to allocate $2 million for the purchase and provision of long-acting reversible contraceptives by FQHCs from the federal funds allocated to the department for FY 23, according to relevant ARPA provisions.
EFFECTIVE DATE: July 1, 2022

§ 247 — MEDICAID COVERAGE OF NATUROPATH SERVICES

Requires the state's Medicaid program to cover services provided by licensed naturopaths

The act requires the DSS commissioner to amend the Medicaid state plan by October 1, 2022, to provide Medicaid coverage for services provided by a licensed naturopath.

By law, the practice of naturopathy means the science, art, and practice of healing by natural methods as recognized by the Council of Naturopathic Medical Education. It includes disease diagnosis, prevention, and treatment and health optimization by stimulating and supporting the body's natural healing processes, as approved by the State Board of Naturopathic Examiners with the consent of the Department of Public Health commissioner (CGS § 20-34).
EFFECTIVE DATE: Upon passage

§ 248 — BAN ON RECOVERING FEDERAL FUNDS FROM PROVIDERS

Prohibits state agencies that contract with health and human services providers from trying to recover or otherwise offset federal ARPA funds for home- and community-based services

The act prohibits state agencies that contract with health and human services providers from trying to recover or otherwise offset certain federal funds obtained or retained by a provider. The prohibition applies to home- and community-based services provider payments disbursed by state agencies that received funding for the payments under ARPA (P.L. 117-2, § 9817). The act prohibits state agencies from (1) reducing contracted amounts for the same or similar services from one contract period to the next contract period or (2) demanding reimbursement in the amount of any home- and community-based services provider payments. (PA 22-146, §§ 15 & 30, repeals this provision and replaces it with a similar prohibition that additionally specifies that it does not require state agencies to take action that would jeopardize federal claims or Medicaid reimbursements.)
EFFECTIVE DATE: Upon passage

§ 249 — COLAS FOR PROVIDERS CONTRACTING WITH DDS

Requires OPM to disburse unallocated funds for FYs 22 and 23 to state-contracted providers of DDS services as COLAs

PA 21-2, JSS, § 341, requires OPM to allocate available funds for FYs 22 and 23 to increase rates to state-contracted providers for wage enhancements and related payroll taxes, workers compensation, and unemployment insurance expenses for employees providing services to people with intellectual disabilities who receive supports and services through DDS. Under the act, if the OPM secretary allocates funds for these purposes and available funds remain unallocated for FYs 22 and 23, OPM must disburse the funds as a COLA to state-contracted providers delivering services and supports through DDS.

EFFECTIVE DATE: Upon passage

§§ 251 & 252 — COVERED CONNECTICUT

Transfers the administration of the Covered Connecticut program from OHS to DSS; expands coverage to include disabled adult children and certain other dependents; replaces a biannual reporting requirement with an annual one beginning in 2024

The act transfers administration of the Covered Connecticut program from OHS to DSS and expands program eligibility to include disabled adult children and certain other dependents. By law, Covered Connecticut is a two-phase program that provides eligible people health insurance at no out-of-pocket cost to them.
EFFECTIVE DATE: Upon passage

Program Transfer From OHS to DSS

The act generally requires DSS to administer the program under the same conditions and requirements that prior law imposed on OHS. For example, it requires DSS, instead of OHS, to make certain reports and consult for various program purposes with the Insurance Department and the Connecticut Health Insurance Exchange. It also requires DSS to consult with OHS about certain program functions, rather than the other way around.

However, the act does not transfer OHS's existing authority to seek a Section 1332 waiver to advance the Covered Connecticut program's purposes. Under existing law, if approved by the federal government, OHS must implement the waiver.

New Phase 1 Eligibility Requirements

Under existing law (i.e., Phase 1), the program must provide enough premium and cost-sharing subsidies to ensure fully subsidized coverage to parents and needy caretaker relatives, and their tax dependents that are 26 or younger, if the parents or needy caretaker relatives:

1. are eligible for premium and cost-sharing subsidies for a qualified health plan (QHP), but over-income for Medicaid;
2. have household income up to 175% of FPL; and
3. are covered by a silver-level health plan offered on the exchange.

The act limits eligibility to people who meet the criteria described above and also use the full amount of their premium subsidies on their QHP.

Expanded Eligibility for Phase 2

Under the act, Covered Connecticut expands eligibility to all low-income adults between ages 19 and 64, instead of only nonpregnant low-income adults between ages 18 and 64 as under prior law. These people must meet all eligibility requirements in existing law, as described above, plus the act's additional requirement that they must use the full amount of their premium subsidies on their QHP.

Expanded Eligibility for Phases 1 and 2

Beginning July 1, 2021, for people eligible for Phase 1 coverage, and July 1, 2022, for people eligible for Phase 2 coverage, Covered Connecticut must also provide subsidized coverage for the following family members of otherwise eligible parents and caretaker relatives:

1. permanently and totally disabled children over age 26;
2. children older than age 26 who are incapable of self-sustaining employment due to a mental or physical handicap and who are dependent upon the parent or caretaker relative for support and maintenance; or
3. a child or stepchild covered by the QHP (beginning July 1, 2022, coverage extends to children or stepchildren, without specifying they must be covered by the QHP).

Beginning no earlier than July 1, 2022, prior law required OHS to provide dental benefits and nonemergency medical transportation services, as those services are provided under Medicaid, to people eligible for Covered Connecticut. In addition to requiring that DSS, not OHS, provide these services, the act extends these dental benefits and nonemergency transportation services to the newly eligible people as well.

Reporting Requirements

Under prior law, every six months OHS had to report Covered Connecticut's operations, finances, and progress over the preceding six months to the Appropriations, Human Services, and Insurance and Real Estate committees. In addition to requiring the DSS commissioner to make this report instead of OHS, the act makes this biannual report an annual one beginning in 2024. It correspondingly requires the report to contain information from the preceding year, instead of the preceding six months.

§ 253 — YOUTH SERVICE BUREAU GRANTS

Makes FY 22 YSB applicants eligible for a state grant

By law, the Department of Children and Families commissioner must establish a youth service bureau (YSB) grant program that, within available appropriations, awards $14,000 grants to eligible bureaus.

The act makes YSBs that applied for a grant during FY 22 eligible for one. Prior law limited eligibility to applicants who applied for the grant during other specified fiscal years, most recently FY 21.

By law, YSBs coordinate community-based services that provide prevention and intervention programs for delinquent, pre-delinquent, pregnant, parenting, and troubled youths referred to them by schools, police, and juvenile courts, among others (CGS § 10-19m).

EFFECTIVE DATE: July 1, 2022

§ 254 — REDUCED TUITION PAYMENTS TO MAGNET SCHOOLS

Beginning in FY 23, lowers the enrollment threshold that triggers the reduced tuition rate for East Hartford's tuition due to magnet schools and applies the same enrollment threshold and reduced tuition rate to Manchester; applies the same enrollment threshold and reduced tuition rate to all other Sheff region towns, New Britain, and New London for FY 23 only; makes SDE financially responsible, within available appropriations, for magnet tuition losses from these reduced tuition rates

East Hartford Tuition Payments to Magnet Schools

Beginning in FY 23, the act lowers the magnet school enrollment threshold that triggers the reduced tuition rate East Hartford must pay to magnet schools. Under prior law, if more than 7% of the district's student population attended magnet schools, then the district was not responsible for the first $4,400 of tuition for each student exceeding the 7% threshold. The act lowers this threshold to 4% of the district's student population.

Manchester Tuition Payments to Magnet Schools

Beginning in FY 23, the act reduces the tuition amount Manchester must pay to magnet schools if more than 4% of the district's student population attends magnet schools. For each student exceeding the 4% threshold, the district is not responsible for the first $4,400 of tuition.

Sheff Region Towns, New Britain, and New London

For FY 23 only, the act reduces the tuition amount that the following school districts must pay to magnet schools if more than 4% of their district's student population attends magnet schools: (1) the board of education of any town located in the *Sheff* region (see *Background*, below) other than East Hartford and Manchester, (2) New Britain, and (3) New London. For each student exceeding the 4% threshold, school districts in these towns are not responsible for the first $4,400 of tuition.

SDE Responsibility for Magnet School Tuition Losses

Under the act, SDE, within available appropriations, is financially responsible for the excess tuition due to the magnet schools billing East Hartford and, beginning in FY 23, Manchester. If these amounts are greater than the appropriated amount in a fiscal year, then SDE must reduce the grant amounts awarded to both towns proportionally.

Similarly, SDE, within available appropriations, is financially responsible under the act for the excess tuition due to the magnet schools billing (1) other *Sheff* region towns, (2) New Britain, and (3) New London. However, the act limits this responsibility to FY 23 only. Also, if this amount due to the magnet schools is greater than the amount allocated for that fiscal year from the federal ARPA funds designated for the state, then SDE must proportionally reduce the grant amounts awarded to these towns.
EFFECTIVE DATE: July 1, 2022

Background — Sheff Region Towns

This region includes the school districts of Avon, Bloomfield, Canton, East Granby, East Hartford, East Windsor, Ellington, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, Vernon, West Hartford, Wethersfield, Windsor, and Windsor Locks.

§ 255 — ADULT EDUCATION PROGRAM GRANT CAP

Accelerates the grant cap's sunset date by one year

The act accelerates the sunset date for the cap on the state's adult education program grant for towns, regional boards of education, and regional education service centers to the end of FY 22, lifting the cap for FY 23. (Under prior law, the cap sunset started in FY 24.) The cap proportionately reduced grant amounts if the state budget appropriations did not fully fund the amounts required by the respective statutory formulas.
EFFECTIVE DATE: July 1, 2022

§ 256 — CHARTER SCHOOL OPERATING GRANTS

Increases the charter grant adjustment percentage, from 14.76% to 25.42%, in the FY 23 charter school per-student operating grant formula

By law, state charter school operating grants are calculated using a weighted per-student formula based on student need. The weighted grant is based on the existing Education Cost Sharing (ECS) grant foundation.

Prior law required a state charter school's fiscal authority to receive a per-student grant in FY 23, calculated using the following formula: the ECS foundation grant amount ($11,525) plus 14.76% of its charter grant adjustment (see *Background*, below). The act increases the FY 23 charter grant adjustment percentage to 25.42%, moving these schools closer to a fully-funded operating grant based on student need.
EFFECTIVE DATE: July 1, 2022

Background — "Charter Grant Adjustment" Formula Component

By law, "charter grant adjustment" means the absolute value of the difference between the (1) ECS foundation (i.e., $11,525) and (2) product of the total charter need students and the foundation, divided by the number of enrolled students under the governing authority's control for the school year.

"Total charter need students" is the sum of the following:

1. enrolled students at the state charter schools controlled by the governing authority for the school year, plus
2. the following value:
    a. 25% of enrolled students who are English language learners; plus
    b. 30% of enrolled students eligible for free or reduced-price meals or free milk; plus, for a school where this number exceeds 60% of the student population, 15% of that excess (CGS § 10-66ee(d), as amended by PA 21-2, JSS, § 352).

§§ 257 & 258 — PARAEDUCATOR PROFESSIONAL DEVELOPMENT

Requires boards of education to provide, and paraeducators to participate in, a professional development program beginning in the 2022-23 school year

The act makes the following changes in the education laws relating to paraeducators:

1. beginning in the 2022-23 school year, requires school districts' professional development and evaluation

committees to develop, evaluate, and annually update a comprehensive, local professional development plan for district paraeducators and

2. requires paraeducators employed by a local or regional board of education to annually participate in professional development beginning in the 2022-23 school year.

As defined by SDE, a paraeducator (i.e., "paraprofessional") is an employee who helps teachers or other professional educators or therapists deliver instructional and related services to students.

EFFECTIVE DATE: July 1, 2022

Requirements for Paraeducator Professional Development

Under the act, boards must make available to paraeducators a free professional development program at least 18 hours long and delivered mostly as small group or individual instruction. The program must meet the following criteria:

1. be a comprehensive, sustained, and intensive approach to improving paraeducator effectiveness in increasing student knowledge achievement;
2. focus on refining and improving effective instruction methods shared by paraeducators;
3. foster collective responsibility for improved student performance; and
4. include training in culturally responsive pedagogy and practice.

Furthermore, the program must also be composed of professional learning that meets the following criteria:

1. is aligned with rigorous state student academic achievement standards;
2. is conducted among paraeducators at the school and facilitated by principals, coaches, mentors, distinguished educators, or other appropriate teachers;
3. occurs often on an individual basis or among groups of paraeducators in a job-embedded process of continuous improvement; and
4. includes a paraeducator-developed repository of instructional method best practices within each school that is continuously available for comment and updating.

The principles and practices of social-emotional learning and restorative practices must be integrated throughout the program's components.

The act also requires boards to offer professional development activities to paraeducators as part of an individual paraeducator's professional development plan or the district's comprehensive local professional development plan. These professional development activities may be made available directly by a board, through a regional educational service center (RESC) or cooperative arrangement with another board, or through arrangements with any SDE-approved professional development provider. The activities must be consistent with any goals the board and paraeducators identified.

§ 259 — OEC EMERGENCY STABILIZATION GRANT PROGRAM

For FYs 23 and 24, requires OEC to administer an emergency stabilization grant program for certain school readiness programs and state-contracted child care centers receiving state financial assistance

For FYs 23 and 24, the act requires OEC to administer an emergency stabilization grant program for school readiness programs and state-contracted child care centers for disadvantaged children receiving state financial assistance. By law, a school readiness program is a nonsectarian program for preschool-aged children that (1) meets OEC's standards and requirements under law and (2) provides a developmentally appropriate learning experience to eligible children for at least 450 hours and 180 days a year unless the office approves a waiver. A state-contracted child care center for disadvantaged children is developed and operated by municipalities, human resource development agencies, or a nonprofit corporation with state financial assistance.

Under the act, OEC must provide grants-in-aid to these school readiness programs and child care centers that apply on a form as the office prescribes and meet the eligibility criteria in the office's guidelines. Accordingly, the act requires OEC to develop (1) eligibility criteria and (2) guidelines for spending grant funds.

The school readiness program or child care center may spend grant funds for programmatic or administrative needs, according to the office's guidelines.

EFFECTIVE DATE: July 1, 2022

§ 260 — BILINGUAL EDUCATION GRANT

Increases funding for the state bilingual education grant from $1.9 million to $3.8 million a year

Beginning in FY 23, the act increases the annual state bilingual education grant from $1,916,130 to $3,832,260, within available appropriations. By law, grant funds are distributed proportionally to school districts that must provide bilingual education. Existing law, unchanged by the act, requires school districts to do this when there are at least 20 students in a public school who are classified as dominant in a language other than English and are not proficient in English.

The act also makes a conforming change.

EFFECTIVE DATE: July 1, 2022

§ 261 — THE GILBERT SCHOOL STUDY

Requires SDE to study the funding process for The Gilbert School

The act requires SDE to study the funding process for The Gilbert School and allows the department to consult with the school while conducting the study. By law, the State Board of Education (SBE) may approve any incorporated or endowed high school or academy, such as The Gilbert School, to receive students from any town that does not operate its own high school. (The Gilbert School serves as the public high school for Winchester and Hartland.) The sending town must pay the entire tuition fees for the students it sends unless the school is under ecclesiastical (i.e., church) control (CGS § 10-34).

Under the act, the department must report the study results and any recommendations about the funding process for the school to the Education Committee by January 1, 2023.

EFFECTIVE DATE: July 1, 2022

§ 262 — MAGNET SCHOOL GRANT CHANGE

For FY 22, changes the per student grant amount for Thomas Edison Magnet School in Meriden

Education law contains a number of magnet school grants based on whether the school is operated by a school district or a RESC and other considerations such as the percentage of students it draws from the host town or sending towns.

By law, a RESC-operated magnet receives grants of $8,344 for each student if it began operations in the 2001-2002 school year and enrolled 55% to 80% of its students from a single town for the 2008-2009 school year. However, it receives smaller grants for any students enrolled who exceeded the enrollment as of October 1, 2013. For those students, the grants are (1) $3,060 if from the host town and (2) $7,227 if not from the host town. The provision appears to only apply to the Thomas Edison Magnet School in Meriden.

The act makes a one-year exception to this law. For FY 22, any magnet operator under this law, or any successor operator, instead receives a grant of $8,058 for all students enrolled for the 2021-2022 school year. The act does this by applying another magnet school grant to this magnet school. Specifically, it applies the existing provision for RESC magnets that are not within the *Sheff* region and have less than 55% enrollment from one town.

EFFECTIVE DATE: Upon passage

§ 263 — CLIMATE CHANGE CURRICULUM

Requires, rather than allows, climate change to be taught as part of the science requirement in public schools

The act requires, rather than allows, climate change to be taught as part of the science requirement in public schools' program of instruction. As under existing law, the curriculum must follow the Next Generation Science Standards (NGSS) adopted by SBE.

EFFECTIVE DATE: July 1, 2023

Background — NGSS

The NGSS are research-based science content standards for grades kindergarten to 12 adopted by SBE in 2015. The standards' foundational document provides that climate changes are significant and persistent changes in the average or extreme weather conditions of an area (National Research Council. 2012. *A Framework for K-12 Science Education: Practices, Crosscutting Concepts, and Core Ideas*. Washington, DC: The National Academies Press).

§ 264 — SPECIAL EDUCATION EXPENDITURE STUDY

Requires SDE to compile and analyze school district special education expenditure information and report it to the Appropriations and Education committees by July 1, 2023

The act requires SDE to compile and analyze information from local and regional boards of education on special education costs. The department must identify boards of education with special education expenditures that are (1) two and a half times the district's net current expenditures per student for education, (2) three times the expenditures, (3) three and a half times the expenditures, and (4) four and a half times the expenditures.

The analysis must also include the cost to reimburse boards of education for their special education costs at each level of expenditure. By law, the state reimburses boards of education at a prorated amount for special education expenditures that are more than four and a half times the given school district's net current expenditures per student (see § 265 below).

SDE must submit the report to the Appropriations and Education committees by July 1, 2023.

EFFECTIVE DATE: Upon passage

§ 265 — SPECIAL EDUCATION EXCESS COST GRANT

Creates a three-tiered reimbursement method, based on each town's property wealth per capita, for determining the special education excess cost grant when the appropriation does not fully fund the grant

By law, SBE reimburses school districts for special education costs that are more than four and a half times the school district's net current expenditures per student (also referred to as the "excess cost grant"). But prior law also required that the grant amount for each district be reduced proportionately when the annual appropriation was not enough to fully fund the grant.

Beginning with FY 23, the act modifies this reimbursement method when the appropriation does not fully fund the grant to instead create three reimbursement tiers based on each town's adjusted equalized net grand list per capita (AENGLPC). The act requires SBE to rank the towns in descending order from one to 169 according to each town's AENGLPC. Then SBE must pay the grant to towns operating local school districts, ranked as follows:

1. 115 to 169: 76.25% of the amount of the town's eligible excess costs;
2. 59 to 114: 73% of the amount of the town's eligible excess costs; and
3. 1 to 58: 70% of the amount of the town's eligible excess costs.

Similarly, the act specifies how regional boards of education must be ranked for this system. Their ranking is determined by (1) multiplying the total population of each town in the regional district by the town's ranking, as determined under the act; (2) adding together the figures determined for the towns in the district; and (3) dividing the total by the total population of all towns in the district. The ranking of each regional board of education must be rounded to the next higher whole number.

EFFECTIVE DATE: July 1, 2022

§ 266 — ALLIANCE DISTRICT PROGRAM RENEWAL

Renews the alliance district program for five years; requires the commissioner to designate 36, rather than 33, alliance districts

Under prior law, the five-year designation for the 33 alliance districts expired on July 1, 2022. The act requires the education commissioner to designate 36 alliance districts for five more years, beginning with FY 23, which starts July 1, 2022. Under the act, the new designation applies to (1) the 33 school districts with the lowest accountability index (AI) scores and (2) districts that were previously designated but may not be among the 33 with the lowest scores (see *Background* below).

As under the program's prior authorization, the act generally requires the comptroller to withhold from an alliance district town any increase in ECS funds that exceed the amount the town received in 2012. But, for districts designated as alliance districts for the first time under the act, the comptroller must withhold ECS funds over the FY 22 amount. The comptroller transfers the money to the education commissioner to withhold until she approves the district's alliance district application and plan to improve academic performance.

Existing law requires the alliance districts to 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.

Background — Accountability Index Scores

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)).
EFFECTIVE DATE: July 1, 2022

§§ 267-269 — EDUCATION COST SHARING (ECS) GRANTS AND PHASE-IN SCHEDULE

Changes some of the factors used in the ECS phase-in schedule for ECS grant increases and decreases; essentially keeps the yearly changes the same as under prior law

The ECS grant program is the state's largest aid program for towns. The act changes some of the factors used in the ECS phase-in schedule for ECS grant increases and decreases, but essentially keeps the yearly changes the same as under prior law. It also modifies the method for determining the ECS grant for alliance districts.

Under the act and prior law, towns that are underfunded for their ECS grant will be fully funded by FY 28. Towns that are overfunded will gradually receive reductions, from FY 24 to FY 29, until they are at their fully funded level.

For overfunded towns, prior law used the FY 17 ECS aid amount as a starting point every year to determine how much an overfunded town should have its funding reduced. Under the act, the ECS reductions for overfunded towns are essentially kept the same, but the factors used to implement them are different. Rather than the FY 17 ECS amount, the act uses the ECS amount for the most recent fiscal year.

Some towns are overfunded due primarily to the years when the state froze the level of funding for all towns, even those towns whose student enrollment dropped. A town with declining enrollment generally receives less funding when the formula is updated with new enrollment figures.
EFFECTIVE DATE: July 1, 2022

Changing Terms Used to Categorize Towns (§ 267)

The act changes two of the terms, "underfunded" and "overfunded," used to determine the first step in ECS grant funding.

Under prior law, an underfunded town was one whose fully funded grant amount, as determined by the formula, was greater than its base grant amount. In that case, the town was entitled to an increase in its ECS grant. A town's base grant amount was the ECS grant amount the town was entitled to for FY 17, minus authorized cuts implemented during FY 17. Under the act, beginning with FY 23, the phase-in compares the fully funded grant amount to a town's ECS grant for the previous fiscal year, rather than the base grant amount. Therefore, any town whose fully funded grant amount is greater than the town's ECS grant amount for the previous fiscal year is entitled to an ECS grant increase.

The act also uses the ECS grant amount for the previous fiscal year, rather than the base grant, to determine if a town is overfunded. Under prior law, an overfunded town was one whose fully funded grant was less than its base grant. In that case, the town was entitled to either the amount the town received in FY 21 or, starting in FY 24, a decreased grant amount each year. The act instead compares the fully funded amount to the town's ECS grant for the previous fiscal year.

Grant Adjustment (§ 269)

When determining ECS grant increases or decreases, prior law used a town's "grant adjustment," which was the absolute value of the difference between a town's base grant amount and its fully funded grant amount. The act changes this definition to the absolute value of the difference between a town's ECS grant entitlement for the previous year and its fully funded grant amount. For underfunded towns, the grant adjustment is the amount needed to be fully funded; for overfunded towns, it is the amount the town is funded above its fully funded grant.

ECS Phase-In Adjustments (§ 267)

The table below shows how the act changes the phase-in for FYs 23-25 ECS grants.

ECS Phase-In Adjustments for ECS Grants (FYs 23-25)

	FY 23		*FY 24*		*FY 25*	
Town Type	***Prior Law***	***Act***	***Prior Law***	***Act***	***Prior Law***	***Act***
Under-funded	Previous FY amount plus 10.66% of grant adjustment	Previous FY amount plus 16.67% of grant adjustment*	Previous FY amount plus 10.66% of grant adjustment	Previous FY amount plus 20% of grant adjustment*	Previous FY amount plus 10.66% of grant adjustment	Previous FY amount plus 25% of grant adjustment*
Over-funded	No reduction (held harmless) to FY 21 amount	No reduction (held harmless) to FY 22 amount (no change from prior law)	Previous FY amount minus 8.33% of grant adjustment	Previous FY amount minus 14.29% of grant adjustment* (excludes alliance districts, see below)	Previous FY amount minus 8.33% of grant adjustment	Previous FY amount minus 16.67% of grant adjustment* (excludes alliance districts, see below)
*Under the act, "grant adjustment" means the absolute value of the difference between a town's ECS grant amount for the previous year and its fully funded grant amount. Generally, under the act, the grant adjustment figure (before applying the percentage) will be less than under prior law.						

Under prior law for FYs 26 and 27, an underfunded town was entitled to an annual ECS grant equal to its previous fiscal year's grant plus 10.66% of its grant adjustment. Under the act, for each of these years, underfunded towns are entitled to their ECS grant amount for the previous year plus 33.33% of their grant adjustment for FY 26 and 50% of their grant adjustment for FY 27.

For the same years, prior law provided an overfunded town with a grant equal to its grant for the previous fiscal year minus 8.33% of its grant adjustment. The act changes the reduction for overfunded towns based on the ECS grant amount for the previous year and the revised definition of the grant adjustment (i.e., minus 20% of grant adjustment for FY 26 and minus 25% of grant adjustment for FY 27). Using the same method, the act changes the reduction for overfunded towns as follows:

1. for FY 28, from prior law's reduction of 8.33% of the grant adjustment to a reduction of 33.33% of the grant adjustment, and
2. for FY 29, from prior law's reduction of 8.33% of the grant adjustment to a reduction of 50%.

For FYs 28 and 29 under prior law and the act, underfunded towns will be fully funded.

Alliance Districts (§ 267)

For FYs 24-29, prior law entitled any overfunded town that is an alliance district to an ECS grant equal to its FY 17 amount after reductions in FY 17 (i.e., base grant amount). Under the act, beginning in FY 24 an alliance district, regardless of whether it is overfunded or underfunded, receives an amount that is the greater of (1) the amount the act determines for either overfunded or underfunded towns (depending on what applies for the alliance district) for that year; (2) its base grant amount; or (3) its ECS grant for the previous fiscal year.

Base Aid Ratio (§ 268)

By law, the base aid ratio is a measure of town wealth (measured by property wealth and income level) used in the ECS formula, and there is a minimum of 10% base aid ratio for alliance districts. The act gives priority school districts the same minimum base aid ratio of 10% but does not change anything else regarding the base aid ratio.

By law, priority school districts are those whose students receive low standardized test scores and have high levels of poverty (CGS § 10-266p(a)). There are 15 priority school districts, and they also are alliance districts.

§ 270 — OPEN CHOICE HARTFORD REGION GRANT

Creates an additional $2,000 per-student Open Choice grant for Hartford region school districts that accept out-of-district students

The act creates an additional $2,000 per-student grant for Hartford region school districts that accept public school students through the Open Choice program. Open Choice is a voluntary inter-district attendance program that allows students from urban school 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 existing law, the grants range from $3,000 to $8,000 per student, with larger grants for districts that enroll a higher percentage of Open Choice students. For example, a district receives $3,000 per student if Open Choice students are less than 2% of its student population. The grant amount increases incrementally until, at the highest amount, a district receives $8,000 per student if Open Choice students are at least 4% of the student population. Under the act, the $2,000 per student grant is in addition to these amounts.

The additional grants must be given to receiving school districts for each out-of-district student who resides in the Hartford region (i.e., the *Sheff* region) and attends school in a receiving district under the program (see *Background* below). The annual additional grants begin in FY 23, within available appropriations, and are paid to help the state meet its obligations under the Comprehensive School Choice Plan, which is part of the most recent renewal of the *Sheff* v. *O'Neill* court decision and agreements (see *Background* below).

EFFECTIVE DATE: July 1, 2022

Background — Sheff Region

This region includes the school districts of Avon, Bloomfield, Canton, East Granby, East Hartford, East Windsor, Ellington, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, Vernon, West Hartford, Wethersfield, Windsor, and Windsor Locks.

Background — Sheff v. O'Neill Decision

In 1996, the Connecticut Supreme Court ruled in *Sheff* that the racial, ethnic, and economic isolation of Hartford public school students violated their right to a "substantially equal educational opportunity" under the state constitution (238 Conn. 1 (1996)). It ordered the state and the plaintiff's representatives to make an agreement, which since has been renewed several times, for the voluntary desegregation of Hartford students.

§§ 271-298 & 514 — TECHNICAL AND CONFORMING CHANGES TO MAKE THE CONNECTICUT TECHNICAL EDUCATION AND CAREER SYSTEM (CTECS) AN INDEPENDENT STATE AGENCY

Makes numerous conforming, minor, and technical changes related to transitioning CTECS into an independent agency; addresses specific duties of the CTECS executive director and superintendent; makes conforming changes to maintain CTECS teachers and professional staff as members in TRS

By law, CTECS (formerly known as the technical high school system) became an independent state agency, separate from SDE, on July 1, 2022 (i.e., the 2022-23 school year). The act makes numerous minor and technical changes related to CTECS's transition to an independent agency. This summary highlights the more significant of these changes.

The act makes changes in the statutes to reflect that CTECS has its own board and leadership that is not subject to SBE governance. Under the act:

1. SBE may no longer receive any money or property given or bequeathed to CTECS (§ 271);
2. CTECS, rather than SBE, must provide the professional services needed to identify children enrolled at a technical high school who require special education and appropriately educate these students (§ 274);
3. the CTECS executive director assumes responsibility for the Vocational Education Extension Fund (including the apprenticeship account), which helps pay for needed apprenticeship program materials and equipment (§§ 276 & 290); and
4. the CTECS executive director replaces SBE in the process for temporarily closing a technical high school, and the authority to close a school for more than six months moves from SBE to the executive director by allowing the director to do so upon the CTECS board's recommendation (§ 280).

The act also repeals three obsolete laws regarding (1) an expired reporting requirement (CGS § 10-4r), (2) an obsolete appointment (CGS § 10-13), and (3) an expired study requirement (CGS § 10-95m).

EFFECTIVE DATE: July 1, 2022

CTECS Superintendent (§ 281)

Hiring the Superintendent. Under existing law, the CTECS executive director, who the governor appoints, is the system's chief executive; the superintendent, who reports to the executive director, is the school leader in charge of education. The CTECS board is the policymaking body.

Under prior law, the board recommended superintendent candidates to the education commissioner and, beginning July 1, 2023, had to begin making recommendations instead to the CTECS executive director. The act moves up this change by a year to July 1, 2022. As under existing law, the act gives the executive director discretion to hire or reject any superintendent candidate the board recommends. The act specifies that when the executive director rejects a candidate, the board must recommend another until the executive director hires one.

Existing law allows the superintendent's three-year term to be extended for up to three years at a time. The act specifies that the executive director is the official who may extend the term, and it requires him to consult with the board before doing so.

Under the act, a candidate cannot be hired or assume superintendent duties until the executive director receives written confirmation from the education commissioner that the candidate is properly certified as a superintendent or has received a certification waiver from the commissioner as permitted by law.

Acting Superintendent. The act allows the executive director to hire an uncertified candidate as an acting superintendent for a one-year probationary period if the education commissioner approves. An acting superintendent assumes all duties of the superintendent and must successfully complete an SBE-approved school leadership program at a higher education institution in the state.

When the probationary period ends, the executive director may request that the commissioner grant a (1) certification waiver for the acting superintendent as allowed under state law or (2) one-time probationary period extension of up to a year. To grant the extension, the commissioner must determine that the executive director showed a significant need or hardship for it.

Administrative Policies. The act requires the superintendent, in consultation with the executive director, to develop and revise, as necessary, administrative policies for operating the technical education and career schools and programs offered in the system. It specifies that these administrative policies must not be considered state regulations.

Evaluation. The act requires the executive director, in consultation with the board, to evaluate the superintendent's performance at least annually according to guidelines and criteria the executive director and the board set.

Master Schedule (§ 283)

The act requires the superintendent, rather than the executive director as under prior law, to establish a master schedule for CTECS. The executive director must ensure the superintendent does this.

CTECS Board (§ 284)

Membership. The act authorizes the governor to remove a CTECS board member for inefficiency, neglect of duty, or misconduct in office. (Under a separate law, unchanged by the act, the board's appointed members serve at the pleasure of the governor (CGS § 4-1a).) The act also prohibits any CTECS employee from being a board member.

By law, the CTECS board consists of 11 members: seven appointed by the governor and confirmed by the General Assembly and four executive branch officials serving ex-officio. Among other things, the board advises the superintendent and executive director on specified matters.

Achievement Goals. By law, the CTECS board must establish achievement goals for its students and use quantifiable measures for the performance of each technical high school. One required measure under prior law is student performance on state mastery exams, as defined in law, in grade 10 or 11. The act changes this to performance on standardized academic assessments without the statutory reference, which could include standardized tests that are not part of the state mastery test law.

CTECS and TRS (§§ 292-295)

By law, when CTECS teachers and other professional staff are hired, they can choose between the TRS or the State Employee Retirement System. The act makes several conforming changes to maintain membership in TRS for CTECS teachers and other professional staff. (TRS membership consists primarily of local board of education teachers and other professionals.)

Specifically, the act adds CTECS to TRS's list of employers and definition of "public school" (§§ 292 & 293). It

similarly adds CTECS professional staff to TRS's definition of "teacher" (§ 294). (Existing law includes SBE's professional staff in this definition.)

§ 299 — MAGNET SCHOOL SUPPLEMENTAL TRANSPORTATION GRANT

Changes the payment schedule and number of payments for a supplemental transportation grant for Sheff magnet schools

The act changes the payment schedule and frequency for supplemental transportation grants to magnet schools that help the state meet its obligations under the *Sheff* v. *O'Neill* desegregation court decision. Generally, it allows SDE to provide a higher percentage of the total grant money earlier in the fiscal year.

Prior law required the education commissioner to pay these grants in two parts: 70% of the grant on or before the end of the fiscal year and the balance on or before September 1 of the following fiscal year (after the comprehensive financial review and only if certain conditions are met).

The act replaces this with a new payment schedule. For FY 22, it requires that (1) up to 100% of the grant is paid on or before June 30, 2022, and (2) any remaining balance is paid on or before September 1, 2022, upon completion of the comprehensive financial review. If the commissioner determines after the review that there was an overpayment in FY 22, then the overpayment must be refunded to SDE.

For FY 23 and each following year, it requires that (1) up to 95% of the grant is paid by June 30 of that fiscal year based on documentation provided before May 31 and (2) the balance is paid by September 1 of the following fiscal year after the comprehensive financial review is completed. The same provisions as above apply for overpayments.

EFFECTIVE DATE: Upon passage

§ 300 — PRIVATE SCHOOL CURRICULUM ACCREDITATION

Requires SBE to allow private school curriculum accreditation by Cognia

Beginning July 1, 2023, the act requires the SBE to allow a private school's supervisory agent to accept curriculum accreditation from Cognia, a nonprofit accreditation and certification agency.

EFFECTIVE DATE: July 1, 2022

§§ 301-305 — FY 22 BUDGET ADJUSTMENTS

Makes deficiency appropriations and corresponding reductions for FY 22 in the General Fund and Special Transportation Fund

The act (1) appropriates a total of $312,448,884 from the General Fund and $1 million from the Special Transportation Fund to cover deficiencies in various state agencies and programs for FY 22 and (2) reduces appropriations to other agencies and programs for FY 22 by the same amount, as shown in the table below. It also prohibits any of the additional General Fund appropriations from being eligible for fringe benefit recovery from the state comptroller's General Fund fringe benefit accounts by UConn, the UConn Health Center (UCHC), and CSCU.

FY 22 Additional Appropriations and Reductions

Agency	*Purpose*	*Amount*
GENERAL FUND		
DAS	Other Expenses	$14,500,000
DEEP	Other Expenses	268,508
	Emergency Spill Response	1,250,000
DECD	Other Expenses	1,200,000
	Manufacturing Growth Initiative	19,376
Office of the Chief Medical Examiner	Personal Services	171,000
	Other Expenses	130,000
Office of Higher Education	Other Expenses	160,000
UConn	Operating Expenses	25,050,000

Agency	*Purpose*	*Amount*
UCHC	Operating Expenses	24,000,000
CSCU	Charter Oak State College	517,000
	Community Tech College System	7,725,000
	Connecticut State University	13,358,000
OPM	Reserve for Salary Adjustments	224,100,000
Legislative Management	Personal Services	(4,000,000)
Department of Social Services	Medicaid	(143,448,884)
Teachers' Retirement Board	Retirees Health Service Cost	(7,000,000)
Department of Correction	Personal Services	(69,000,000)
Department of Children and Families	Personal Services	(6,000,000)
	Board and Care for Children – Foster	(20,000,000)
	Board and Care for Children – Short-term and Residential	(6,000,000)
State Treasurer	Debt Service	(22,000,000)
State Comptroller	Unemployment Compensation	(5,000,000)
	Employees Social Security Tax	(5,000,000)
	State Employees Health Service Cost	(25,000,000)
SPECIAL TRANSPORTATION FUND		
DAS	State Insurance and Risk Management Operations	1,000,000
Department of Transportation	Personal Services	(1,000,000)

EFFECTIVE DATE: Upon passage

§§ 306-320, 358 & 360 — NEW BOND AUTHORIZATIONS FOR STATE AGENCY PROJECTS

Authorizes state GO bonds in FY 23 for various state projects and grant programs

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

The act includes a standard provision requiring, as a condition of bond authorizations for grants to private entities, each granting agency to include repayment provisions in its grant contract if the facility for which the grant is made ceases to be used for the grant purposes within 10 years after receipt. 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 (FY 23)

§	*Agency*	*Purpose*	*Amount*
STATE PROJECTS			
307(a)	Office of Legislative Management	Alterations, renovations, improvements, and technology upgrades at the State Capitol complex	$2,000,000
307(b)	OPM	State matching funds for projects and programs allowed under the federal Infrastructure Investment and Jobs Act	75,000,000
307(c)	Agricultural Experiment Station	Renovations and improvements to Jenkins Laboratory greenhouses	800,000
		Construction and equipment for Valley Laboratory additions and renovations	8,000,000
307(d)	UConn Health Center	Deferred maintenance, code compliance, and infrastructure improvements	40,000,000

§	Agency	Purpose	Amount
358	Connecticut State Colleges and Universities	Constructing, improving, or equipping child care centers on or near college and university campuses, including paying associated architectural, engineering, or demolition service costs	10,000,000
360	DAS	Grants for school air quality improvements including upgrading, replacing, or installing heating, ventilation, and air conditioning equipment; authorizes up to $50 million to be used to reimburse improvements completed from March 1, 2020, to July 1, 2022	75,000,000
GRANTS			
314(a)	OPM	Grants for long-term acute care hospitals accredited by the Commission on Accreditation of Rehabilitation Facilities for electronic medical record systems	4,500,000
		Grants for state-licensed acute care hospitals for facility construction for adult, inpatient psychiatric beds	5,000,000
314(b)	Department of Emergency Services and Public Protection	Grant to North Branford Police Department	4,500,000
314(c)	Department of Agriculture	Grants for farmland restoration and climate resiliency	7,000,000
		Grants to food resource organizations for capital improvements	10,000,000
314(d)	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	20,000,000
		Grants for landfills, including the Hartford landfill	5,000,000
314(e)	DECD	Grants to nonprofit organizations sponsoring cultural and historic sites, including for the Naugatuck Railroad to design and construct a handicap-accessible platform at the Naugatuck rail line's Waterbury stop	100,000
314(f)	SDE	Grants to regional educational service centers for interdistrict magnet school capital expenses; earmarks up to $10 million for grants to the Capital Region Education Council	20,000,000
314(g)	Office of Early Childhood	Grants for constructing, improving, or equipping child care centers, including paying associated costs for the infant and toddler pilot program's architectural, engineering, or demolition services	5,000,000
314(h)	CRDA	Grants to encourage development pursuant to CRDA's statutory purposes	50,000,000

EFFECTIVE DATE: July 1, 2022

§§ 321-326 — NEW TRANSPORTATION PROJECT AUTHORIZATION

Authorizes up to $20 million in STO bonds for purchasing and installing advanced wrong-way driving technology

The act authorizes up to $20 million in special tax obligation (STO) bonds for DOT to purchase and install advanced wrong-way driving technology.
EFFECTIVE DATE: July 1, 2022

§§ 327-329 — CONNECTICUT BABY BOND TRUST PROGRAM

Delays the (1) trust's establishment to July 1, 2023, and (2) program's bond authorization schedule by two years, from FY 23 to FY 25; limits the program's designated beneficiaries to babies born on or after July 1, 2023, rather than July 1, 2021, whose births were covered under HUSKY

Existing law authorizes up to $600 million in GO bonds for the Connecticut Baby Bond Trust program to provide designated beneficiaries up to $3,200 in a state trust administered by the state treasurer. Once they reach age 18, beneficiaries who 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, and personal financial investments).

The act delays the trust's establishment to July 1, 2023, and limits the program's designated beneficiaries to babies born on or after that date, rather than July 1, 2021, whose births were covered under HUSKY. It also makes a conforming change to the provision requiring the Department of Social Services to inform the treasurer of the number of designated beneficiaries born each year.

Prior law authorized the treasurer to issue up to $50 million in GO bonds per year for the program from FYs 23-34. The act delays this authorization schedule by two years, to FY 25, and correspondingly extends it to FY 36.

EFFECTIVE DATE: Upon passage

§§ 330-331 & 333-357 — CHANGES TO EXISTING AUTHORIZATIONS

Modifies amounts authorized for specified bond authorizations; makes various changes to existing authorizations' purposes

Increased Authorizations

The act increases the amounts authorized for the existing bond authorizations shown in the table below.

Increases to Existing Authorizations

§	*Agency*	*Purpose/Fund*	*Prior Authorization*	*New Authorization*	*Increase*
330	OPM	Urban Act*	$40,000,000	$160,000,000	$120,000,000
331	OPM	Capital Equipment Purchase Fund	10,000,000	25,000,000	15,000,000
335	DEEP	Connecticut bikeway, pedestrian walkway, recreational trail, and greenway grant program	3,000,000	6,000,000	3,000,000
337	DECD	Grant to the Connecticut Science Center	10,500,000	21,200,000	10,700,000
351	Connecticut Port Authority	Grants for deep water port improvements, including dredging (effective upon passage)	70,000,000	90,000,000	20,000,000
353	DEEP	Alterations, renovations, and new construction at state parks and other recreation facilities, including Americans with Disabilities Act improvements	15,000,000	30,000,000	15,000,000
354	Department of Correction	Alterations, renovations, and improvements to existing state-owned buildings for inmate housing, programming and staff training space, additional inmate capacity, support facilities, and off-site improvements	10,000,000	70,000,000	60,000,000
357	DEEP	Grants to municipalities for open space acquisition and development for conservation or recreational purposes	10,000,000	15,000,000	5,000,000

*Act also earmarks $20 million for the homeownership initiative described below

Homeownership Initiative (§ 330). The act earmarks up to $20 million in Urban Act bonds for a DOH homeownership initiative for certain housing construction and redevelopment activities. This initiative must be in collaboration with one or more local community development financial institutions (CDFIs) in qualified census tracts as defined under the federal Low-Income Housing Tax Credit program (i.e., federally designated tracts in which (1) at least 50% of households have incomes below 60% of the area median gross income or (2) the federal poverty rate is at least 25%). The CDFIs must meet federal eligibility requirements.

Under the initiative, construction and redevelopment activities (1) must be completed by developers or nonprofits residing in the municipality where the work occurs and (2) result in new homeownership opportunities for qualified census tract residents.

Cancellations and Reductions

The act cancels or reduces the authorizations shown in the table below.

Bond Cancellations and Reductions

§	Agency	Purpose/Fund	Prior Authorization	Amount Cancelled
334	DAS	School construction projects	$550,000,000	$100,000,000
340	DOT	Construction, repair, or maintenance of highways, roads, bridges, or bus and rail facilities and equipment	200,000,000	200,000,000
342, 348	OPM	Grants to private, nonprofit, tax-exempt health and human service organizations that receive state funds to provide direct services to state agency clients: alterations, renovations, improvements, additions, and new construction, including (1) health, safety, ADA compliance, and energy conservation improvements; (2) information technology systems; (3) technology for independence; (4) vehicle purchases; and (5) property acquisition ($10 million of the cancellation is effective upon passage)	35,000,000	15,000,000
344	DOT	Construction, repair, or maintenance of highways, roads, bridges, or bus and rail facilities and equipment (see below for language change)	200,000,000	20,000,000
346	Department of Motor Vehicles	Development of a master plan for department facilities	500,000	500,000
349	OPM	Grant for a Sandy Hook memorial (effective upon passage)	2,600,000	2,600,000
356	OPM	Grants for regional and local improvements and development to various enumerated projects	35,000,000	35,000,000

Changes to Existing Authorizations' Purposes

The act changes the purposes of existing bond authorizations, as indicated in the following table.

Changes to Existing Authorizations' Purposes

§	Agency	Amount Authorized	Prior Purpose	New Purpose
333	DOH	$30,000,000	Homelessness prevention and response fund: forgivable loans and grants to landlords (1) participating in a rapid rehousing program (e.g., waiving security deposits or abating rent for a designated period) and (2) abating rent for scattered supportive housing units by, among other things, capitalizing operating and replacement reserves for them	Limits the fund's purposes to providing grants to capitalize operating and replacement reserves in supportive housing units
338	Board of Regents for Higher Education	28,000,000	Norwalk Community College: phase III master plan implementation	Gateway Community College: acquire, design, and construct facilities for workforce development programs, including for transportation, alternative

§	Agency	Amount Authorized	Prior Purpose	New Purpose
				energy, advanced manufacturing, and health sectors
344	DOT	200,000,000 (reduced to 180,000,000 under the act)	Construction, repair, or maintenance of highways, roads, bridges, or bus and rail facilities and equipment (see above for cancellation)	Allows the bonds to also be used for noise barriers; earmarks up to $75 million for a matching grant program to help municipalities modernize existing traffic signal equipment and operations
350	DECD	20,000,000	CareerConneCT workforce training programs (effective upon passage)	Allows up to $5 million of the authorization to be used to capitalize the Connecticut Career Accelerator Program Account

EFFECTIVE DATE: July 1, 2022, except the provisions noted above and a corresponding supertotal provision are effective upon passage.

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

Extends, to FY 23, the municipal grant program for purchasing eligible body and dashboard cameras and related equipment and services

The act extends, to FY 23, 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.
EFFECTIVE DATE: July 1, 2022

§ 359 — DOH HEALTH CARE WORKER HOUSING PROGRAM

Authorizes up to $20 million in GO bonds for DOH to develop housing for health care workers

The act authorizes up to $20 million in state GO bonds for DOH to (1) develop housing for health care workers and (2) fund the costs associated with the partnership described below. Under the act, DOH must develop this housing together with the chief workforce officer. It may use the bond funds for land acquisition, project design, and construction costs, among other things.

The act requires the DOH commissioner and the Connecticut Housing Finance Authority executive director to seek to partner with one or more hospitals in the state to increase workforce housing options. By January 1, 2023, they must report to the Housing Committee on the partnership's status and recommendations on other ways to increase these housing options.
EFFECTIVE DATE: July 1, 2022

§ 361 — OFFICE OF COMMUNITY ECONOMIC DEVELOPMENT ASSISTANCE

Establishes a new office within DECD to assist eligible community development corporations; authorizes up to $50 million in state GO bonds to fund its operations and a grant program for certified CDC projects in target areas

The act establishes a new Office of Community Economic Development Assistance (OCEDA) within DECD to provide technical, investment, and grant assistance to eligible community development corporations (CDCs). The new office must do the following, among other things:

1. identify target areas in the state based on specified economic indicators,
2. certify new and existing CDCs that serve these areas and meet certain other criteria,
3. provide various types of assistance to these CDCs,
4. administer a grant program for projects that certified CDCs undertake in target areas, and
5. annually report to the legislature on its activities and outcomes during the prior fiscal year.

The act authorizes up to $50 million in state general obligation bonds for DECD to fund OCEDA's operations and the grant program.

EFFECTIVE DATE: July 1, 2022

CDC Certification Process

The act allows organizations meeting certain requirements to become certified CDCs by applying to OCEDA in the form and way it determines. OCEDA must certify both (1) existing CDCs operating in the state, or seeking to do so, that meet these requirements and (2) any new CDCs established under this application process. The act also requires OCEDA to maintain a current list of certified CDCs and post it on DECD's website.

Under the act, a "certified CDC" is a 501(c)(3) federally tax-exempt organization that is certified by OCEDA and meets the following requirements:

1. focuses a substantial majority of its efforts on serving one or more "target areas" as described below,
2. has the purpose of engaging and working with local residents and businesses on community development efforts to sustainably develop and improve urban communities in a manner that creates and expands economic opportunities for low- and moderate-income people, and
3. shows OCEDA that its constituency is meaningfully represented on its board as described below.

Target Areas

Under the act, a "target area" is a contiguous geographic area in which the (1) current unemployment rate exceeds the state's by at least 25% or (2) mean household income is 80% or less of the state's as determined by the most recent decennial census. OCEDA must identify the eligible target areas and post them on DECD's website.

Community Representation on the Board of Directors

Under the act, a CDC must demonstrate to OCEDA that its constituency is meaningfully represented on its board through its:

1. percentage of board members who reside in a target area or community that the CDC serves or seeks to serve,
2. percentage of members who are low- or moderate-income,
3. board's racial and ethnic composition compared to the community's, or
4. use of committees or membership meetings to ensure that its constituency has a meaningful role in the CDC's governance and direction.

OCEDA Duties

Within available appropriations, OCEDA must do the following:

1. assist organizations seeking to establish themselves or be certified as a CDC;
2. provide grants to certified CDCs for projects in target areas as described below;
3. assist CDCs in soliciting investment funding and serve as the liaison between CDCs and investors; and
4. seek to ensure coordinated, efficient, and timely responses to these organizations, CDCs, and investors.

Certified CDC Grant Program

The act requires OCEDA to establish a grant program for projects that certified CDCs seek to undertake in target areas, including infrastructure improvements, housing rehabilitation, and streetscape and business façade improvements. It must establish the program's (1) application process and form; (2) eligibility criteria; and (3) caps or limitations, if any, on grant awards. It must also post program information on DECD's website.

Reporting Requirement

Beginning by July 1, 2023, the act requires OCEDA to annually submit a report to the Commerce; Planning and Development; and Finance, Revenue and Bonding committees. The report must at least provide the following information for the prior fiscal year: (1) a description of the office's activities, (2) the number of CDCs established and certified, (3) the number and amounts of grants awarded to certified CDCs, and (4) a description of the projects (including their locations) certified CDCs undertook.

§ 362 — SCHOOL CONSTRUCTION GRANT COMMITMENTS

Authorizes eight school construction state grant commitments totaling $137.35 million toward total project costs of $495.34 million; reauthorizes one technical high school project with an additional state grant commitment of $59.55 million, which matches the additional estimated project cost

The act authorizes eight school construction state grant commitments totaling $137.35 million toward total estimated project costs of $495.34 million. It also reauthorizes one technical high school renovation project that has changed substantially in scope and cost with an additional state grant commitment of $59.55 million, which matches the additional estimated project cost.

Under the state school construction grant program, the state reimburses towns and local districts 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, (i.e., technical high schools), the state pays 100% of the project costs.

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

2022 School Construction Grant Commitments

District	*School*	*Project Type*	*Estimated Project Costs*	*Estimated Grant*	*Reimbursement Rate*
Farmington	Farmington High School	New	$131,666,047	$24,924,383	18.93%*
Stamford	Westhill High School	New	257,938,824	51,587,765	20%**
Granby	Granby Memorial High School	Alteration	3,486,378	1,319,943	37.86%
Hamden	Hamden Middle School	Extension/ alteration; diversity school	17,100,000	13,680,000	80%
Manchester	Keeney Elementary School	Renovation	33,200,000	27,811,640	83.77%
Milford	Pumpkin Delight Elementary School	Extension/ alteration	15,060,750	5,593,563	37.14%
Simsbury	Latimer Lane School	Renovation	36,792,406	12,351,211	33.57%
Regional District 7	Regional School District No. 7, Agricultural Education Center	Vo-ag equipment	100,000	80,000	80%
Totals			**$495,344,405**	**$137,348,505**	

*§ 385 sets the reimbursement rate at 30%

**§ 381 sets the reimbursement rate at 80% if certain conditions are met, see below

Reauthorized Project

The act also reauthorizes, with a change in cost and scope, the Bullard-Havens Technical High School project in Bridgeport. The reauthorization changes it from an extension and alteration project with an estimated total project cost of $139,447,195 to a new construction project with an estimated cost of $199,000,000. This is a $59.55 million increase that the state pays in full.

The Bullard-Havens proposal was originally authorized by PA 05-6, JSS, as an extension and alteration project. It was reauthorized by the legislature in 2015 and 2021.

EFFECTIVE DATE: Upon passage

§§ 363, 372, 375 & 377-379 — SCHOOL SAFETY INFRASTRUCTURE COUNCIL AND SCHOOL BUILDING PROJECTS ADVISORY COUNCIL

Eliminates the School Safety Infrastructure Council and generally transfers its duties to the School Building Projects Advisory Council; adds a ninth member to the advisory council

The act eliminates the School Safety Infrastructure Council (SSIC) and generally transfers its duties to the School Building Projects Advisory Council (SBPAC). SSIC was an 11-member council of agency heads and gubernatorial and legislative appointees, chaired by the DAS commissioner. It was tasked under prior law with the following duties:

1. developing the school safety infrastructure criteria using industry standards for projects that are awarded state school building project reimbursement grants and school security infrastructure competitive grants,
2. meeting at least annually to review the criteria and update it as necessary, and
3. making the criteria available to boards of education.

The act instead requires SBPAC to periodically (but at least annually) review the criteria, update it as necessary, and submit any updates to the education and emergency services and public protection commissioners, along with the Public Safety and Security and Education committees. By law and unchanged by the act, the advisory council must, among other things, (1) conduct studies, research, and analyses; (2) make recommendations to the governor and legislature on improvements to the school building projects processes; and (3) meet at least quarterly.

The act also increases SBPAC's size from eight members to nine by adding a gubernatorial appointee with experience and expertise in construction for students with disabilities and the Americans with Disabilities Act accessibility provisions. By law, the council consists of agency heads and gubernatorial appointees and is chaired by the DAS commissioner.

The act also makes various conforming changes.

EFFECTIVE DATE: July 1, 2022

§ 364 — MAGNET SCHOOLS AND SCHOOL CONSTRUCTION GRANTS

Makes minor and technical changes related to DAS's approval of magnet school construction project grants

The act eliminates a provision that required the DAS commissioner to only approve school construction grant applications for interdistrict magnet school projects if the SDE commissioner finds the school will reduce racial, ethnic, and economic isolation. Under existing law and unchanged by the act, SDE only approves magnet school funding if the school will reduce racial, ethnic, and economic isolation (CGS § 10-264*l*(b)).

It also explicitly states that magnet school operators are eligible for school building project grants. Under prior law, they could be eligible.

The act makes conforming and technical changes including (1) deleting an obsolete moratorium provision on grant applications for the construction of new magnet schools and (2) referencing DAS, rather than SDE, in provisions on the application process.

EFFECTIVE DATE: July 1, 2022

§ 365 — CAPITOL REGION EDUCATION COUNCIL (CREC) LONG-RANGE CAPITAL IMPROVEMENT PLAN

Requires CREC to adopt a long-range plan for capital improvement and school building project priorities for magnet schools every five years and a rolling three-year capital plan every year; requires the plans to be submitted to DAS, which in turn must submit them to the legislature

Long-Range Plan

The act requires CREC to adopt, by January 1, 2023, and every five years after, a long-range plan for capital improvement and school building project priorities and goals for magnet school facilities that will help the state address its obligations under the *Sheff* court decision and its related stipulations and orders. The plan must include a summary of activities related to school building projects, capital improvements, and capital equipment included in a rolling three-year school building plan that the act also requires.

After adopting the long-range plan, CREC must submit it to DAS, and the department must file it directly with the Appropriations, Education, and Finance, Revenue and Bonding committees.

Rolling Three-Year Plan

The act requires CREC to maintain a rolling three-year school building project, capital improvement, and equipment plan that identifies the (1) expected school building projects, capital improvements, and capital equipment for each CREC magnet school facility and their anticipated cost and (2) specific equipment each magnet school is expected to need and the estimated cost, based on the useful life of existing equipment and changing technology projections.

It also requires CREC to annually submit the plan to DAS, and the department must file it directly with the Appropriations, Education, and Finance, Revenue and Bonding committees.

EFFECTIVE DATE: July 1, 2022

§ 366 — PENALTY FOR SCHOOL CONSTRUCTION PROJECTS FAILING TO MEET MINORITY BUSINESS ENTERPRISE (MBE) SET-ASIDE GOALS

Withholds 5% of a school construction project's reimbursement grant if the applicant does not meet MBE set-aside goals; reduces the amount of a reimbursement grant held back pending an audit from 11% to 5%

Penalty for Not Reaching MBE Goals

Under the state set-aside program, state agencies must set aside at least 25% of the total value of all contracts they let for construction, goods, and services each fiscal year for exclusive bidding by certified small contractors. The agencies must further reserve at least 25% of the set-aside value (i.e., at least 6.25% of the total) for exclusive bidding by certified MBEs. Contractors awarded municipal public works contracts, which include school construction projects, must comply with these requirements if the (1) contract includes state financial assistance and (2) total contract value exceeds $50,000.

By law, a "small contractor" is a business that maintains its principal place of business in Connecticut and (1) is registered as a small business with the federal government or (2) if a nonprofit, had gross revenues of $20 million or less during its most recent fiscal year and is independent. MBEs are small contractors owned by women, minorities, or people with disabilities who exercise regular authority over the enterprise's operations. In addition to set-aside requirements, the existing law requires that nondiscrimination and affirmative action provisions be included in municipal public works contracts (as well as state contracts) (CGS §4a-60g).

Starting with projects authorized on or after July 1, 2024, the act requires DAS to withhold 5% of a school construction reimbursement grant if its commissioner determines that the applicant failed to comply with the provisions of state set-aside law for MBEs. (The act places the burden to meet the MBE requirement on the town applying for school construction funds, but existing law places the MBE requirement on the project contractor and not the town.)

Reduction of Audit Holdback Amount

Prior law required DAS to hold back 11% of a school construction applicant's reimbursement grant pending the completion of an audit on the project. The act reduces this amount to 5%.

Existing law, unchanged by the act, requires DAS to complete the audit within six months after a request for the final payment, or the applicant may have an independent audit performed and include the audit cost in the eligible project cost.

EFFECTIVE DATE: Upon passage

§ 367 — SCHOOL BUILDING INDOOR AIR QUALITY GRANT PROGRAM

Requires DAS to administer a reimbursement grant program, beginning in FY 23, for the cost of indoor air quality improvements to school buildings, including the installation, replacement, or upgrading of HVAC systems

Beginning in FY 23, the act requires DAS to administer a reimbursement grant program for costs related to indoor air quality improvements in school buildings. It allows local or regional boards of education or RESCs to apply for the grants to reimburse costs associated with projects to install, replace, or upgrade heating, ventilation, and air conditioning (HVAC) systems or other improvements. The act allows boards and RESCs to apply with the DAS commissioner when and how she determines. It prohibits boards of education and RESCs from using these grant funds to replace local matching requirements for other federal or state funding received for indoor air quality improvement or HVAC projects. Boards may submit an application for a project that (1) began on or after March 1, 2020, and was completed before July 1, 2022, or (2) began on or after July 1, 2022.

Under the act, if there are insufficient funds to give grants to all applicants the commissioner must prioritize applicants with schools that have the greatest need for these systems or improvements. She must use the eligibility criteria described below when determining priority among applicants.

Eligibility Criteria

The act requires the DAS commissioner to develop eligibility criteria to use when determining whether to award a grant for school air quality improvements. These criteria must include at least the following:

1. the age and condition of the school's current HVAC system or equipment,
2. current school air quality issues,
3. the overall school building's age and condition,
4. the school district's master plan,
5. maintenance records availability,
6. a contract or plans for the HVAC system's routine maintenance cleaning, and
7. the board's or RESC's ability to finance the project's remaining cost after receiving a program grant.

Additionally, the act prohibits the DAS commissioner from awarding a grant to any applicant that, beginning July 1, 2024, has not certified compliance with the uniform inspection and evaluation of an existing HVAC system under state law.

Grant Amount Calculations

The act establishes different grant award calculations for (1) local boards of education and (2) regional boards of education and RESCs.

Local Boards of Education. Under the act, a local board may receive a reimbursement grant for 20-80% of its eligible expenses, based on its town ranking. The act establishes the following formula for DAS to use to determine the ranking:

1. Rank each town in descending order (from 1 to 169) using its adjusted equalized net grant list per capita (AENGL) (i.e., a measure of town wealth as defined in the ECS grant statutes (see *Background*, below)) from two, three, and four years before the fiscal year of the grant application.
2. Assign a reimbursement rate from 20-80% to each town on a continuous scale, with the first-ranked town receiving a 20% rate and the last-ranked town receiving an 80% rate.

Regional Boards of Education and RESCs. Under the act, a regional board or RESC may receive a reimbursement grant for a percentage of its eligible expenses according to the following ranking formula, which is based on the local boards' formula and the regional district's or RESC's member towns' populations:

1. Multiply each member town's total population by its AENGL ranking described above.
2. Add together the products for all member towns, calculated in step 1.
3. Divide the total sum calculated in step 2 by the total population of all member towns.
4. Round each regional board's or RESC's ranking to the next higher whole number.
5. Assign to each regional board or RESC the same reimbursement percentage as a town with the same rank (presumably, under the AENGL-based formula for local boards of education).
6. For regional boards only, add 10% to this amount, up to a maximum reimbursement rate of 85%.

Ineligible Costs

The act makes the following costs ineligible for grant reimbursement: (1) routine HVAC system maintenance and cleaning, (2) work that is otherwise eligible for a state school construction reimbursement grant, and (3) work on a public school administrative or service facility that is located outside of a public school building.

Project Completion and Maintenance

Under the act, any project that receives an indoor air quality improvement grant award must be completed by the end of the next calendar year. However, the DAS commissioner may extend the project duration if the recipient board or RESC shows good cause.

The act places the responsibility for an HVAC system's routine maintenance and cleaning with the grant recipients and requires them to train school personnel and building maintenance staff on the system's proper use and maintenance.

EFFECTIVE DATE: July 1, 2022

Background — Adjusted Equalized Net Grand List (AENGL) Per Capita

AENGL per capita is a measure of town property wealth. It is calculated using the following formula:

1. Take the town's net grand list for the three years before the fiscal year when the grant will be paid, equalized by the Office of Policy and Management (OPM) secretary to calculate ECS grants consistent with state law.
2. Divide the above number by the product of the (a) town's total population and (b) ratio of the town's per capita income to the per capita income of the town at the 100th percentile of all towns when ranked from lowest to highest in per capita income (CGS § 10-261).

§ 368 — HVAC SYSTEM PIPELINE TRAINING PILOT PROGRAM

Requires OWS to establish an HVAC system pipeline training program

By March 1, 2023, the act requires the Office of Workforce Strategy (OWS), in consultation with DOL, OHE, and Technical Education and Career System (TECS), to establish, within available appropriations, an HVAC system pipeline training pilot program.

The pilot program must develop pre-apprenticeship workforce pipeline training programs that meet the following criteria:

1. are designed to identify and support, and are offered to, people from underserved and underrepresented populations and historically marginalized communities in the training for (a) installation and maintenance of HVAC systems and (b) any related trades and
2. include comprehensive career navigational and wraparound training services, including recruitment; job coaching; and supportive services such as transportation services and job placement support.

Selection of Participating Organizations and Participants

Under act, OWS must consult with DOL to develop selection criteria prioritizing the following: (1) low-income and underrepresented people who live in a municipality with a population greater than 100,000 and (2) nonprofit and community-based organizations that currently serve low-income and underrepresented people.

The act allows OWS, in consultation with DOL, OHE, and TECS, to identify recent HVAC program participants in the state and support them in transitioning to a career to immediately fill HVAC system talent demands.

Reporting to the Legislature

By December 1, 2023, OWS must report to the governor and the Education, Higher Education, and Labor committees on the number of people who have (1) enrolled in a training program offered as part of the pilot, (2) completed these training programs, and (3) completed a program and obtained a permanent job in the HVAC system sector.

EFFECTIVE DATE: July 1, 2022

§ 369 — INDOOR AIR QUALITY IN SCHOOLS

Generally requires school boards to conduct a uniform inspection and evaluation of the HVAC system in each school building under its jurisdiction every five years; requires the HVAC inspection report to be made public at a school board meeting and online and include any corrective actions; requires the existing air quality inspections to take place every three years rather than five

Five-Year Inspection and Evaluation

By January 1, 2024, and then every five years, the act generally requires each board of education to have an inspection

and evaluation of the HVAC system in each school building under its jurisdiction.

Inspections are not required if the building will cease to be used as a school within the three years from when the inspection and evaluation would take place.

Ventilation Inspection and Report

A certified testing, adjusting, and balancing technician, an industrial hygienist certified by the American Board of Industrial Hygiene or the Board for Global EHS Credentialing, or a mechanical engineer must perform the inspection and evaluation.

Under the act, a "certified testing, adjusting and balancing technician" is (1) a technician certified to perform 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) an individual training under the supervision of an (a) TABB certified technician or (b) person certified to perform ventilation assessments of HVAC systems through a certification body accredited by the American National Standards Institute.

The act includes specific features that must be in the HVAC system inspection and evaluation, including the following:

1. testing for maximum filter efficiency;
2. physical measurements of outside air rate;
3. verification of ventilation components' operation;
4. measurement of air distribution through all inlets and outlets;
5. verification of unit operation and performance of required maintenance in accordance with American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards;
6. verification of control sequences;
7. verification of carbon dioxide sensors and acceptable carbon dioxide indoor air concentrations; and
8. collection of field data for the installation of mechanical ventilation if none exist.

The inspection and evaluation must identify to what extent each school's current ventilation system components, including any existing central or noncentral mechanical ventilation system, are operating to provide appropriate ventilation to the school building in accordance with ASHRAE's most recent indoor ventilation standards. The inspection and evaluation must result in a written report that includes any corrective actions needed for the mechanical ventilation system or the HVAC infrastructure. Corrective actions can include (1) installing appropriate filters and carbon dioxide sensors and (2) additional maintenance, repairs, upgrades, or replacement.

Contractors

The act requires any corrective actions to an HVAC system to be performed, where appropriate, by a properly licensed HVAC contractor.

Public Disclosure of Inspections

Any school district conducting an inspection and evaluation must make the results available for public inspection at a regularly scheduled school board meeting and on its website and the school's website if the school has one.

Existing Air Quality Inspections

Under prior law, school districts had to conduct air quality and HVAC inspections and evaluations every five years on schools that were built, extended, renovated, or replaced after January 1, 2003, using such means as the Environmental Protection Agency's (EPA) Tools for Schools Program. The act requires these inspections and evaluations to instead take place every three years.

By law, unchanged by the act, the inspections 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; and the degree of pesticide usage. As under existing law, the results of the inspection and evaluation must be made public at a school board meeting and posted online.

EFFECTIVE DATE: July 1, 2022

§ 370 — SCHOOL INDOOR AIR QUALITY WORKING GROUP

Creates a working group to make recommendations about school air quality to the governor and legislature

Group Charge

The act establishes a working group to study and make recommendations related to indoor air quality within schools. The group's recommendations must at least include the following:

1. optimal humidity and temperature ranges to ensure healthy air and promote student learning;
2. the threshold school air quality emergency conditions warranting temporary school closures based on the presence of insufficient heat, an excessive combination of indoor temperature and humidity levels, or other thresholds;
3. criteria for prioritizing HVAC repair and remediation needs, including the public health condition and needs of the students attending a school;
4. optimal HVAC system performance benchmarks for minimizing the spread of infectious disease;
5. protocols for school districts to receive, investigate, and address complaints or evidence of mold, pest infestation, hazardous odors or chemicals, and poor indoor air quality;
6. the frequency with which boards of education should be providing for a uniform inspection and evaluation program of the indoor air quality within schools, such as the EPA's Indoor Air Quality Tools for Schools Program, and whether it should be for all schools or only those constructed before or after a certain date;
7. best practices for properly maintaining school HVAC systems;
8. any other criteria affecting school indoor air quality; and
9. possible legislation to carry out any of the working group's recommendations.

Group Membership and Reporting Deadline

Under the act, the working group includes the OPM secretary and the commissioners of education, administrative services, labor, public health, consumer protection, and energy and environmental protection, or their respective designees. The group also includes 16 appointed members as shown in the table below.

Appointed Members of the School Indoor Air Quality Working Group

Appointing Authority	*Appointee Qualifications*
House speaker (3)	• Specialist in children's health • Representative of the Connecticut State Building Trades Council • House member
Senate president pro tempore (3)	• Representative of ConnectiCOSH • Representative of the Associated Sheet Metal and Roofing Contractors of Connecticut • Senate member
House majority leader (2)	• Representative of the Connecticut Education Association • Representative of the Connecticut Association of Boards of Education
Senate majority leader (2)	• Representative of the American Federation of Teachers-Connecticut • Representative of the Connecticut Association of Public School Superintendents
House minority leader (2)	• An industrial hygienist • Representative of the Mechanical Contractors of Connecticut
Senate minority leader (2)	• Medical specialist on respiratory health • Representative of the Council of Small Towns
Governor (2)	• A school nurse • Representative of the Connecticut Conference of Municipalities

All appointments must be made by July 6, 2022 (i.e., 60 days after the act's effective date). Vacancies are filled by the appointing authority.

The working group members from the Senate and House must serve as the chairpersons, and they must schedule and hold the group's first meeting by July 6, 2022.

The working group must submit a report on its findings and recommendations to the governor and the education, labor, and public health committees by January 4, 2023. The group terminates on January 4, 2023, or when it submits the report, whichever is later.

EFFECTIVE DATE: Upon passage

§ 371 — SCHOOL CONSTRUCTION SPACE STANDARDS

Extends the 25% increase in per-pupil square footage limits in state law for school buildings built before 1950 to include those built before 1959

By law, reimbursement grants for school building projects authorized by the legislature must follow per-pupil square footage limits set in state law or regulation. Under prior law, any building constructed before 1950 received a 25% increase to any square footage limit. The act expands eligibility for this increase to include any building constructed before 1959.

EFFECTIVE DATE: July 1, 2022

§ 372 — SCHOOL CONSTRUCTION PRIORITY LIST ADDENDUM

Requires the DAS commissioner to create an addendum to the school construction priority list to include DAS-awarded grants for certain projects lacking legislative approval (i.e., "emergency grants")

Existing law allows the DAS commissioner to award school construction grants for certain projects without legislative approval ("emergency grants"), within the limit of appropriated funds (see § 373 below). Beginning July 1, 2022, the act requires the commissioner to create an addendum to the school construction priority list project report, which by law she must send to the legislature's school construction committee before December 31 each year. Under the act, the addendum must contain all emergency grants approved by the DAS commissioner during the previous fiscal year.

EFFECTIVE DATE: July 1, 2022

§ 373 — EMERGENCY SCHOOL CONSTRUCTION PROJECT APPROVAL

Eliminates the DAS commissioner's authority to approve emergency school construction reimbursement grants for (1) administrative and service facilities and (2) school security projects; removes the requirement that a superintendent notify the DAS commissioner of the need for an emergency grant and formally apply within a certain timeframe

The act subjects grants for the following projects to legislative approval, eliminating the DAS commissioner's authority to approve reimbursement grants on an emergency basis: (1) public school administrative or service facilities and (2) school security projects, including improvements to existing school security infrastructure or new infrastructure installation. Accordingly, these types of projects must instead appear on the school priority list and the project report that DAS submits to the legislature's school construction committee for approval every December. By law and unchanged by the act, the commissioner may continue to approve emergency grants for the following purposes:

1. remedying fire and catastrophic damage;
2. correcting safety, health, and other code violations;
3. replacing roofs, including skylight installations;
4. remedying a certified school indoor air quality emergency;
5. insulating exterior walls and attics; or
6. purchasing and installing a limited use and limited access elevator, windows, photovoltaic panels, wind generation systems, building management systems, or portable classrooms.

The act also removes the requirement that a superintendent notify the DAS commissioner of the need for an emergency grant and formally apply within a certain timeframe. Under prior law, a superintendent had seven calendar days after discovering the emergency to notify the commissioner in writing about the reason for the emergency grant, and to receive the grant he or she had to apply to the commissioner within six months after submitting the written notice.

EFFECTIVE DATE: July 1, 2022

§ 374 — SCHOOL CONSTRUCTION PROJECT COMPLETION AND CLOSURE

Requires school construction grant recipients to submit a project completion notice to DAS within three years after a certificate of occupancy is issued

Beginning July 1, 2022, the act requires towns and regional school districts that receive school construction grants to submit a project completion notice to DAS within three years after the date a certificate of occupancy for the project was issued. If a grant recipient does not submit this notice on time the DAS commissioner must deem the project complete and perform a final project audit. By law, DAS must conduct an audit within five years after a school district files a notice of project completion (CGS § 10-286e(a)).

Additionally, the act requires the commissioner to deem a project that was authorized before July 1, 2022, to be complete if its grant recipient (1) has received a certificate of occupancy and (2) has not submitted a project completion notice to DAS on or before July 1, 2025.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2022

§ 376 — SCHOOL CONSTRUCTION BIDDING REQUIREMENTS AND CONSTRUCTION MANAGEMENT SERVICES

Eliminates from prior law the (1) newspaper advertising requirement for public invitations to bid on orders and contracts for school construction services and (2) option for a construction manager to self-perform any school construction project element, which was set to take effect beginning on July 1, 2022; requires the construction manager to invite bids on project elements on the State Contracting Portal

Public Invitations to Bid

The act eliminates the newspaper advertising requirement for public invitations to bid on orders and contracts for (1) school building construction projects receiving state grants, (2) architectural services, and (3) construction management services. Prior law required these public invitations to bid to be advertised in a newspaper having circulation in the town where the construction will take place, except for certain projects such as those using a state contract. The act retains provisions in prior law requiring a public bidding process, but it does not specify a particular method for giving public notice of bidding opportunities.

Construction Manager Self-Performance

The act eliminates the option for a construction manager to self-perform any project element, which prior law would have allowed beginning July 1, 2022. Prior law conditioned this option upon the (1) DAS commissioner and the awarding authority determining that the construction manager could self-perform the work more cost-effectively than a subcontractor and (2) commissioner's written approval.

Subcontractor Bids

For subcontractor bids on school building projects, the act requires the construction manager to invite bids on project elements and give notice of bidding opportunities on the State Contracting Portal. It explicitly deems the construction manager ineligible to bid on any project element. The act requires that each bid be kept sealed until opened publicly at the time and place stated in the bid solicitation notice. After consultation with, and approval by, the employing town or regional school district, the construction manager must award any related contracts for project elements to the lowest responsible qualified bidder. By law and unchanged by the act, construction cannot begin before the guaranteed maximum price is determined (except for site preparation and demolition work).

EFFECTIVE DATE: July 1, 2022

§§ 380-405 & 516 — SCHOOL CONSTRUCTION PROJECT EXEMPTIONS, WAIVERS, MODIFICATIONS, AND A REPEAL

Exempts school construction projects in 16 towns and one regional school district from certain statutory and regulatory requirements to allow them 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; repeals a prior project authorization

The act exempts school construction projects in 16 towns and one regional school district from various statutory and regulatory requirements to allow them to, among other things, (1) qualify for state reimbursement grants, (2) receive higher reimbursement percentages for the grants, or (3) have their projects reauthorized due to a change in scope. These exemptions are 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 Danbury high school project on the 2020 priority list.

EFFECTIVE DATE: Upon passage

Exemptions, Waivers, and Modifications (§§ 380-405)

The table below describes the notwithstandings that the act grants.

Notwithstandings for School Construction Projects

§	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
380	New Britain (state project)	E.C. Goodwin Technical High School, project unspecified but includes installing an artificial turf athletic field	Waives the filing deadline to be on the 2022 priority list (§ 362) and grants the project a maximum cost of $45 million if the application is filed before October 1, 2023
381	Stamford	Westhill High School, new construction	Sets the project reimbursement rate at 80%, rather than 20%, 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*
382(a) & (b)	Torrington	Torrington Middle & High School, new construction	Reauthorizes a new construction project that has changed substantially in scope or cost, if its cost does not exceed $179,575,000, and waives the filing deadline to be on the 2022 priority list (§ 362) Allows a project reimbursement rate of 85% rather than 62.86%*
382(c)	Torrington	Torrington Middle & High School, construction of a central administration facility	Sets the allowable project reimbursement rate at 85%, including for any costs that would otherwise be reimbursed at one-half of this rate
383	Norwalk	Norwalk High School, new construction	Increases the maximum cost of a 2020 notwithstanding for the same project from $189 million to $239 million
384	Danbury	Danbury Career Academy at Cartus, new construction	Waives the filing deadline requirement to be on the 2022 priority list (§ 362) and grants the project a maximum cost of $154 million, if the town files an application before October 1, 2022

§	Town	School and Project	Exemption, Waiver, or Other Change
			Sets the project reimbursement rate at 80% rather than 53.93%, including for site acquisition, limited eligible costs, and the associated central administration project* Waives the standard building space requirements Sets the project reimbursement rate at 80% for purchasing land adjacent to the project site Allows the town to receive reimbursement for certain ineligible project costs if they do not exceed $992,842
385	Farmington	Farmington High School, new construction of high school and outdoor athletic facilities	Sets the project reimbursement rate at 30% for both projects, rather than 18.93%, including for any athletic facilities costs that would otherwise be reimbursed at one-half of this rate*
386	Farmington	Farmington High School, central administration facility	Sets the project reimbursement rate at 30%, including for any costs that would otherwise be reimbursed at one-half of this rate
387	Ellington	Windermere Elementary School, renovation and extension and alteration	Waives the filing deadline to be on the 2022 priority list (§ 362) and grants the project a maximum cost of $61.64 million if the town files an application before October 1, 2022 Sets the project reimbursement rate at 70% rather than 56.43% to address the presence of pyrrhotite in the foundation*
388	Manchester	Keeney Elementary School, renovation	Allows an 83.77% reimbursement rate (the 2022 priority list, § 362, allows the same reimbursement rate) Waives the deadline for the town's local financial commitment notices to DAS to avoid a lapse of the grant authorization
389	New Fairfield	New Fairfield High School, code violation	Reauthorizes code violation project that has changed substantially in scope or cost if its cost does not exceed $1,118,551, and waives the filing deadline to be on the 2022 priority list (§ 362)
390	New Fairfield	Consolidated Early Learning Academy at Meeting Hill House School, extension	Makes certain ineligible extension and alteration project costs reimbursable if

§	Town	School and Project	Exemption, Waiver, or Other Change
		and alteration	they do not exceed $2.9 million Waives the standard building space requirements
391	New Fairfield	Unspecified projects accepted as complete by the local board of education for the town at meetings held on • October 19, 2017, • May 2, 2019, and • June 6, 2019	Forgives a refund owed to the state for the unamortized balance of the remaining state grant as of the date the building project was abandoned, sold, leased, demolished, or redirected for use other than as a public school
392	Seymour	Seymour High School, roof replacement and energy conservation project	Makes certain otherwise ineligible roof panel costs eligible for reimbursement and release of final grant retainage Waives the requirement that a construction bid not be let out without DAS plan and specifications approval Waives the standard building space requirements
393	Seymour	Bungay Elementary School, roof replacement and energy conservation project	Makes certain otherwise ineligible roof panel costs eligible for reimbursement and release of final grant retainage Waives the requirement that a construction bid not be let out without DAS plan and specifications approval Waives the standard building space requirements
394	Seymour	Seymour Middle School, energy conservation project	Makes certain otherwise ineligible panel costs eligible for reimbursement and release of final grant retainage Waives the requirement that a construction bid not be let out without DAS plan and specifications approval Waives the standard building space requirements
395	Bridgeport	Bassick High School, new construction	Reauthorizes project and allows a change in scope to include land acquisition and site remediation costs if its cost does not exceed $129 million, and waives the filing deadline to be on the 2022 priority list (§ 362)

§	Town	School and Project	Exemption, Waiver, or Other Change
			Sets a 78.93% project reimbursement rate rather than 68.93%*
396	Bristol	Memorial Boulevard Intradistrict Arts Magnet School, extension and alteration	Reauthorizes extension and alteration project that has changed substantially in scope or cost if its cost does not exceed $63 million, and waives the filing deadline to be on the 2022 priority list (§ 362)
397	Granby	Granby Memorial High School, alteration	Waives the standard building space requirements
398	New Britain	Chamberlain Elementary School, renovation	Amends a 2021 notwithstanding for the same project, which approved a change in scope to include preschool facilities, to require that construction of these facilities occur on a DAS-reviewed and -approved site
399	Hartford	Any school building project related to the District Model for Excellence Restructuring Recommendations and School Closures	Amends a 2019 notwithstanding for these same projects by extending the application deadline by two years (applications are now due before June 30, 2024)
400	Hartford	Bulkeley High School, central administration facility	Reauthorizes the project and allows a change in scope if costs do not exceed $29.75 million, and waives the filing deadline to be on the 2022 priority list (§ 362) Sets the project reimbursement rate at 95%, including for any costs that would otherwise be reimbursed at one-half of this rate
401	Hartford	Bulkeley High School, renovation	Waives the standard building space requirements Sets the project reimbursement rate at 95%, rather than 80%, for the renovation, construction, extension, or major alteration of an athletic facility, gymnasium, or auditorium, including for any costs that would otherwise be reimbursed at one-half of this rate*
402	Region 14 (i.e., Bethlehem and Woodbury)	Nonnewaug High School, extension and alteration	Reauthorizes extension and alteration project that has changed substantially in scope or cost if its cost does not exceed $1,939,400, and waives the filing deadline to be on the 2022 priority list (§ 362) Waives the standard building space requirements
403	Rocky Hill	Goodwin University PreK	Waives the filing deadline to be on the

§	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
	(Goodwin University-run *Sheff* magnet school)	School, interdistrict magnet facility: extension, alteration, and site purchase	2022 priority list (§ 362) for the project with a maximum cost of $19,715,574 if Goodwin files an application before December 31, 2022 Sets the project reimbursement rate at 100% if the project helps the state meet its *Sheff* obligations (otherwise reimbursement would be up to 80% plus an additional 5% or 10% depending upon the type of preschool) Waives the standard building space requirements
404	East Hartford (Goodwin University-run *Sheff* magnet school)	Goodwin University Industry 5.0 Magnet Technical High School, interdistrict magnet facility and alteration	Waives the filing deadline to be on the 2022 priority list (§ 362) for the project with a maximum cost of $28,986,700 if Goodwin files an application before December 31, 2022 Sets the reimbursement rate at 100% if the project helps the state meet its *Sheff* obligations (otherwise project would have reimbursement of up to 80%) Waives the standard building space requirements
405	Hartford (Capitol Region Education Council (CREC)-run *Sheff* magnet school)	Greater Hartford Academy of the Arts, renovation and new addition	Waives the filing deadline to be on the 2022 priority list (§ 362) for the project with a maximum cost of $95.9 million if (1) DAS, in consultation with CREC, administers the project's design and construction components as under state law; (2) the purchase and installation of furniture, fixtures, and equipment, and move management is administered as state law requires; and (3) CREC enters into a memorandum of understanding with the DAS commissioner for the project Makes the project eligible for total (100%) project cost reimbursement
*FY 2021 reimbursement rates are shown for reference; actual rates depend upon the year the application is submitted and the final determination of the project type (new or renovation)			

Repealed Project (§ 516)

The act repeals a Danbury high school project approved under a DAS-established pilot program that approves the renovation of commercial space as new. This project, which had a maximum cost of $93 million, was on the 2020 priority list due to a notwithstanding in the 2020 school construction act (PA 20-8, September Special Session, § 6).

§ 406 — STATE AND CONNECTICUT AIRPORT AUTHORITY BUILDING PERMIT APPLICATIONS

Eliminates the requirement that building permit applications for certain large-scale state and Connecticut Airport Authority construction projects include two copies of the plans and specifications

By law, state agency commissioners and the Connecticut Airport Authority executive director must obtain building permits for certain large-scale construction projects from the State Building Inspector. Specifically, they must do so for state and authority buildings and structures, or additions to them, that exceed certain statutory threshold limits or include residential occupancies for at least 25 people.

Under existing law, plans and specifications must accompany applications for these permits. The act eliminates a related requirement that two copies of the plans and specifications be included.

EFFECTIVE DATE: July 1, 2022

§ 407 — STATE BUILDING CODE VARIATIONS, EXEMPTIONS, AND EQUIVALENT OR ALTERNATE COMPLIANCE LIST

Allows DAS to publish the biennial list of State Building Code variations, exemptions, and equivalent or alternate compliance on its website rather than sending it to all local building officials

By law, the state building inspector and the Codes and Standards Committee, in conjunction with the DAS commissioner, must create a list of the State Building Code variations, exemptions, and equivalent or alternate compliance granted for existing buildings in the previous two calendar years and update the list biennially. The act allows the DAS commissioner to publish the list on the department's website rather than, as under prior law, sending it to all local building officials and taking appropriate actions to publicize it. Under existing law, unchanged by the act, the commissioner must educate local building officials and the public on how to use the list.

EFFECTIVE DATE: July 1, 2022

§ 408 — PROPERTY TAX CREDIT INCREASE

Beginning with the 2022 tax year, increases the property tax credit from $200 to $300 and expands the number of taxpayers who may claim it

Beginning with the 2022 tax year, the act increases the property tax credit against the personal income tax from $200 to $300. It also expands the number of people eligible to claim the credit by eliminating prior law's provisions that limited it to residents who are age 65 or older or claim dependents on their federal tax return.

By law, taxpayers earn the credit for property taxes paid on their primary residences or motor vehicles, and the amount of property taxes paid that may be taken as a credit declines as adjusted gross income (AGI) increases, until completely phased out.

EFFECTIVE DATE: Upon passage

§ 409 — EARNED INCOME TAX CREDIT (EITC)

Increases the state EITC from 30.5% to 41.5% of the federal credit starting in the 2023 tax year

Beginning with the 2023 tax year, the act increases the state EITC from 30.5% to 41.5% of the federal credit. The EITC is a refundable tax credit available to people who work and earn incomes less than certain amounts. (PA 22-146, § 31, repeals this provision.)

EFFECTIVE DATE: July 1, 2022

§ 410 — EITC ENHANCEMENT PROGRAM

Establishes a personal income tax exemption for income from the 2020 and 2021 EITC enhancement program

The act creates a personal income tax exemption for the 2022 tax year for any income a resident received through the 2020 and 2021 EITC enhancement program, to the extent it was includable in gross income for federal tax purposes. Under the program, taxpayers receive a payment equal to a certain percentage of the federal tax credit they received for the applicable income year. Federal CARES Act and ARPA funds pay for the program.
EFFECTIVE DATE: Upon passage

§ 410 — PENSION AND ANNUITY TAX EXEMPTION ACCELERATION

Accelerates the pension and annuity income tax exemption phase-in by allowing qualifying taxpayers to deduct 100% of this income beginning with the 2022 tax year

The act accelerates the phase-in of the pension and annuity income tax exemption. Under prior law, qualifying taxpayers could deduct (1) 56% of this income in the 2022 tax year, (2) 70% in the 2023 tax year, (3) 84% in the 2024 tax year, and (4) 100% in the 2025 tax year and beyond. The act instead makes pension and annuity income fully tax exempt starting with the 2022 tax year.

By law, taxpayers are eligible for this exemption only if their federal AGI is less than (1) $75,000 for single filers, married people filing separately, or heads of households and (2) $100,000 for married people filing jointly.
EFFECTIVE DATE: Upon passage

§ 411 — CHILD TAX REBATE

Establishes a one-time rebate for qualifying, domiciled taxpayers in Connecticut equal to $250 for each child, for up to three children

The act establishes a one-time rebate for qualifying, domiciled taxpayers in Connecticut equal to $250 for each child (i.e., an individual who is age 18 or younger as of December 31, 2021). Taxpayers may claim the credit for up to three children whom they validly claimed as dependents on their federal income tax return for the 2021 tax year.

Under the act, taxpayers are eligible for the full rebate if their federal AGI for the 2021 tax year is less than or equal to certain thresholds, which vary by filing status. For taxpayers whose income exceeds these thresholds, the rebate phases out at a rate of 10% for every $1,000, or fraction of $1,000, of AGI exceeding the threshold (e.g., a single filer with a federal AGI of $101,500 is eligible for 80% of the full rebate amount). The following table shows the income thresholds at which taxpayers are (1) eligible for the full rebate and (2) ineligible for the rebate.

Rebate Thresholds

Filing Status	*Maximum Rebate Threshold*	*No Rebate*
	Federal AGI ≤	*Federal AGI >*
Single or Married Filing Separately	$100,000	$110,000
Head of Household	160,000	170,000
Joint Filers or Surviving Spouse	200,000	210,000

To claim a rebate, a taxpayer must apply to DRS by July 31, 2022. The commissioner must (1) make the application available by June 1, 2022, and (2) require any information necessary to administer the act's provisions, including the name, age, and Social Security number of each child the taxpayer claimed as a dependent in the 2021 tax year. Applications must be filed with DRS electronically and under penalty of false statement.

Under the act, the rebate is not considered income for personal income tax purposes or for determining state program eligibility. Rebate eligibility must be determined without regard to any EITC amount the taxpayer received.

The act specifies that the rebate is subject to withholding if a recipient (1) owes state or municipal taxes or other obligations or (2) is in default of a student loan made by the Connecticut Student Loan Foundation or the Connecticut Higher Education Supplemental Loan Authority (CGS §§ 12-739 & 12-742).
EFFECTIVE DATE: Upon passage

§ 412 — INCOME TAX CREDIT FOR STILLBIRTHS

Establishes a $2,500 income tax credit for the birth of a stillborn child

The act establishes 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. Taxpayers may claim the credit for the tax year for which the Department of Public Health's State Vital Records Office issued a stillbirth certificate. The credit amount applies regardless of the taxpayer's filing status.

EFFECTIVE DATE: July 1, 2022, and applicable to tax years beginning on or after January 1, 2022.

§§ 413-414 — MOTOR VEHICLE MILL RATE CAP LOWERED

Beginning with FY 23, reduces the motor vehicle mill rate cap from 45 to 32.46 and modifies the reimbursement grant formula; authorizes municipalities and districts to adjust their motor vehicle mill rate for FY 23

Beginning in FY 23, the act decreases the motor vehicle mill rate cap from 45 to 32.46 mills. It also adjusts the reimbursement formula for motor vehicle property tax grants ("municipal transition grants"), which are designed to reimburse municipalities for a portion of the revenue lost due to the motor vehicle mill rate cap.

The act correspondingly authorizes municipalities and districts that set their FY 23 motor vehicle mill rate before the act's passage to revise them before June 15, 2022. Municipalities may do so (1) by vote of their legislative body (or if it is a town meeting, its board of selectman) and (2) regardless of conflicting special act, municipal charter, or home rule ordinance provisions.

Reimbursement Formula

Previously, municipalities that imposed a mill rate over 45 mills on real and personal property, other than motor vehicles, were eligible for the grants. The statutory formula specified that the grant amount equaled the difference between the amount of property taxes a municipality, and any tax district in it, (1) levied on motor vehicles for the 2017 assessment year (i.e., FY 19) and (2) would have imposed for that year if the motor vehicle mill rate was the same as the rate for other property. Under prior law, (1) the mill rate used to calculate a municipality's grant eligibility and amount was the sum of its mill rate and that of its tax districts and (2) municipalities had to disburse to districts the portion of the grants attributable to them within 15 days after receiving the grants.

Under the act, beginning in FY 23, grants to municipalities are instead calculated using the (1) act's 32.46 mill rate cap and (2) preceding fiscal year's tax levy data, rather than FY 19. Thus, grants for FY 23 equal the difference between the amount of property taxes the municipality would have levied on motor vehicles for FY 22 (i.e., the 2020 assessment year) if the motor vehicle mill rate imposed for that year was (1) 32.46 mills and (2) equal to the mill rate it imposed on real property and personal property other than motor vehicles.

Additionally, beginning in FY 23, the act makes districts eligible for the grants if they imposed taxes on real property and personal property other than motor vehicles for the preceding fiscal year at a mill rate that, when combined with the municipality's mill rate, exceeded 32.46 mills. The grant amount equals the difference between the amount of taxes the district would have levied on motor vehicles for the preceding fiscal year if the mill rate imposed on motor vehicles for that year, when added to the municipality's motor vehicle mill rate for that year, was (1) 32.46 mills and (2) equal to the mill rate it imposed on real property and personal property other than motor vehicles.

EFFECTIVE DATE: Upon passage

§§ 415-418 — ABANDONED PROPERTY PROGRAM

Expands the range of property the treasurer must publish in his abandoned property notice and changes the notice's required format; establishes conditions under which the treasurer may automatically pay abandoned property amounts of less than $2,500 to the property's sole owner; requires the treasurer to notify certain abandoned property owners by mail about the process for verifying their property ownership and claiming it; eliminates aggregate reporting of abandoned property valued at less than $50

Searchable List of Abandoned Property

By law, most property held or owed in the state that remains unclaimed by the owner is presumed abandoned after a specified amount of time passes and escheats to the state as abandoned (or unclaimed) property. Prior law required the treasurer to biennially publish an abandoned property notice on his website and include the property, valued at $50 or more, that (1) was presumed abandoned and reported or transferred to him during the preceding two calendar years and (2) did not previously appear on the list. The act instead requires the treasurer to maintain a readily searchable list of all such

property, regardless of its value, for which there is sufficient information for him to identify its apparent owner. In doing so, it aligns the statutes to the treasurer's existing practice.

As prior law required for the posted notice, the act requires the searchable list to contain the names and last-known addresses, if any, of anyone reported as an apparent abandoned property owner and any other information the treasurer adds. The act also requires the list to include the property's amount and description and the property holder's name and address, as prior law required for the biennial notice, but eliminates the requirement that it include a statement that anyone with an interest in the property can receive this information from the treasurer free of charge.

The act also makes a conforming change by eliminating a law invalidating any agreement to locate property if it is made within two years of the date the treasurer published the notice of abandoned property.

Automatic Payments of Abandoned Property

The act requires the treasurer to automatically pay abandoned property claims valued at less than $2,500 to individuals if he (1) has determined that the individual is the property's sole owner and (2) is satisfied that he has this individual's current address. In doing so, it supersedes the existing law requiring anyone claiming an interest in abandoned property to file a certified claim with the treasurer establishing that they are entitled to recover it.

Notice by First-Class Mail

The act generally requires the treasurer to notify by first-class mail each person (1) reported as the apparent owner of abandoned property during the preceding calendar year and (2) for whom the holder reported a last-known address. The notice must include the property's amount and description and how the owner may verify ownership and claim it. The act excludes from this notification requirement anyone paid, or who will be paid, an automatic payment as described above.

Aggregate Reporting

The act eliminates provisions requiring anyone holding property presumed abandoned to report in the aggregate items valued at less than $50. It also eliminates the treasurer's authority to approve aggregate reporting of 200 or more items if each item is valued at less than $50 and the cost of reporting the items would be disproportionate to the amounts involved. It repeals a related provision requiring property holders who make this aggregate reporting election to assume responsibility for any valid claim presented for these items for 20 years.

EFFECTIVE DATE: January 1, 2023

§ 419 — STUDENT LOAN PAYMENT TAX CREDIT

Expands the loans eligible for the student loan payment tax credit and allows "qualified small businesses" to apply to the DRS commissioner to exchange the credit for a refund

Eligible Loans

Existing law allows businesses that make payments on qualified employees' eligible student loans to claim a tax credit against the corporation business or insurance premiums tax equal to 50% of the payments made, up to an annual credit maximum of $2,625 per employee. Under prior law, businesses could claim this credit only for payments made on refinancing loans made by the Connecticut Higher Education Supplemental Loan Authority (CHESLA). The act instead allows them to claim a credit for payments made on any CHESLA-issued loan.

By law, "qualified employees" are generally those who (1) work full time for a Connecticut licensed corporation that is subject to state taxes, (2) earned their first bachelor's degree in the last five years, and (3) live and work in the state.

Qualified Small Businesses

The act allows "qualified small businesses" to apply to the DRS commissioner to exchange the credit for a refund equal to the credit's value. It defines a qualified small business as one with gross receipts of $5 million or less in the income or calendar year, as applicable, in which the credit is allowed.

Under the act, applications for credit refunds must be filed by the (1) original deadline for the tax return for the income or calendar year in which the credit was earned or (2) return's extended deadline. The applications must be filed on forms and with the information the DRS commissioner prescribes and may not be filed after these deadlines have passed.

Any refunds (1) must be made in accordance with existing corporation business tax or insurance premiums tax laws and procedures and (2) do not accrue interest. Refunds made under the act are subject to an existing law that specifies how partial payments must be applied to outstanding state tax liability, penalties, and interest. However, it is unclear how this provision would apply.

EFFECTIVE DATE: Upon passage, and applicable to calendar and income years beginning on or after January 1, 2022.

§§ 420-424 — JOBSCT TAX REBATE PROGRAM

Establishes the JobsCT tax rebate program under which companies in specified industries may earn rebates against the insurance premiums, corporation business, and pass-through entity taxes for reaching certain job creation targets

The act establishes the JobsCT tax rebate program under which companies in specified industries may earn rebates against the insurance premiums, corporation business, and pass-through entity (PE) 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 the act, the rebate program is administered by DECD. A business is eligible for the program (i.e., a qualified business) if it is subject to at least one of the above taxes and in an industry related to finance, insurance, manufacturing, clean energy, bioscience, technology, digital media, or any similar industry, as determined by the DECD commissioner. Generally, the business must create and maintain at least 25 new FTEs to claim a rebate. The act establishes minimum wage requirements that the new FTEs must meet to qualify for the rebate but allows the DECD commissioner to waive these requirements for FTEs meeting other criteria (i.e., "discretionary FTEs").

Generally, the rebate equals 25% of the state income tax paid by the new FTEs (50% for FTEs in an opportunity zone or distressed municipality). The act establishes a minimum rebate of $1,000 per new FTE ($750 per discretionary FTE) and a maximum of $5,000 per new or discretionary FTE. However, it doubles the minimum amounts for rebates earned, claimed, or payable before January 1, 2024 (i.e., $2,000 per new FTE and $1,500 per discretionary FTE). It allows a business to receive rebates in up to seven successive years, beginning with the second year after it is accepted into the program. The rebate is refundable if it exceeds the business's tax liability and may exceed the existing insurance premiums and corporation business tax credit limits. The act caps the total rebate amount awarded at $40 million per fiscal year.

Lastly, the act repeals obsolete language about insurance premiums and corporation business tax credit caps.

EFFECTIVE DATE: July 1, 2022, and applicable to taxable years commencing on or after January 1, 2023, except that a provision about the order of corporation business tax credits is applicable to income years commencing on or after January 1, 2023.

JobsCT Rebate Program Eligibility (§ 420)

Under the act, an eligible business qualifies for the rebate if it creates and maintains at least 25 new or discretionary FTEs. 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 act 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. Both measures are proportionally reduced for fractional FTEs (e.g., the wage floor is $18,750 for a 0.5 FTE).

The act creates an exception to these wage requirements for new discretionary FTEs (see below).

Program Application (§ 420)

Form (§ 420(c)). Under the act, qualified businesses seeking the rebates must apply to the DECD commissioner on a form he prescribes. The form may require the following information:

1. the number of new FTEs the business will create,
2. the number of FTEs it currently employs,
3. feasibility studies or business plans for the projected number of new FTEs,
4. projected state and local revenue reasonably derived from the increased FTEs, and
5. any other information needed to determine whether there will be net benefits to the economy of the municipality or municipalities where the business is located and the state.

The act allows the commissioner to require the business to submit additional information to evaluate an application.

DECD Review and Approval (§ 420(c)). The act requires the DECD commissioner, when reviewing the application, to determine whether the (1) qualified business can reasonably meet the hiring targets and other metrics stated in the application and (2) proposed job growth would (a) provide a net benefit to economic development and employment opportunities in the state and (b) exceed the number of jobs the business had before January 1, 2020. Under the act, the business must meet each of these requirements to be eligible for the rebate program.

The act requires the DECD commissioner to approve or reject the application within 90 days after receiving it. He may approve the application in whole, in part, or with amendments. If he rejects an application, he must identify the defects and explain the specific reasons for the rejection.

The act allows the commissioner to combine the approval of an application with the exercise of any of his other powers, including providing other financial assistance.

Discretionary FTEs (§ 420(c)). Under the act, a discretionary FTE is an FTE paid qualified wages who does not meet the act's wage requirements (see above) but is approved by the DECD commissioner. The act allows the commissioner to approve an application in whole, in part, or with amendments, if a majority of the new discretionary FTEs meet any of the following criteria:

1. are receiving, or have received, services from the Department of Aging and Disability Services because of a disability;
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 the Department of Developmental Services;
3. have been unemployed for at least six of the preceding 12 months;
4. have been convicted of a misdemeanor or felony;
5. are veterans;
6. lack a postsecondary credential and are not currently enrolled in a postsecondary institution or program; or
7. are currently enrolled in a workforce training program fully or substantially funded by the employer that results in the individual earning a postsecondary credential.

Awarding the Rebate (§ 420)

Contract and Allocation Notice (§ 420(c)). The act requires the DECD commissioner to enter into a contract with an approved qualified business. The contract must at least include the business's consent for DECD to access data from other state agencies, including the Labor Department, for audit and enforcement purposes. Additionally, if the commissioner approves the business for new discretionary FTEs, the contract must include the required wage that the business must pay them.

After signing the contract, the act requires the DECD commissioner to issue the business a rebate allocation notice that certifies its eligibility to claim the rebate if it meets the terms stated in the notice. The notice must state the maximum rebate available for the rebate period and the specific terms the business must meet to qualify.

Voucher (§ 420(i) & (j)). The act requires approved qualified businesses to provide information to the DECD commissioner, annually by January 31 during their rebate period, on the number of new or discretionary FTEs created or maintained during the previous calendar year and their qualified wages. It allows DECD to audit this information.

The act requires DECD to issue a rebate voucher to an approved qualified business by March 15 in each year of the rebate period. The voucher must state the rebate amount and the taxable year against which the rebate may be claimed. Under the act, the DECD commissioner must annually provide the revenue services commissioner with a report detailing all rebate vouchers. (The act does not specify a deadline for this report.)

Rebate Period (§ 420(h)). The act allows a business to receive a rebate for up to seven successive calendar years. It prohibits DECD from granting a rebate until at least 24 months after the commissioner approves the business's application.

Annual Report (§ 420(k)). The act requires the DECD commissioner to annually report to the Office of Policy and Management beginning January 1, 2023, on the rebate program's expenses and the number of FTEs and discretionary FTEs created and maintained. The commissioner must submit the report in consultation with the state comptroller's office and state auditors.

Rebate Calculation (§ 420)

FTE Calculation (§ 420(d)). Under the act, FTEs may be full-time (i.e., employees who work at least 35 hours per week) or part-time employees. One FTE consists of a job in which an employee works or is expected to work at least 1,750 hours in a calendar year (i.e., 35 hours per week for 50 weeks). For employees who work fewer than 1,750 hours, an FTE fraction is calculated by dividing the number of hours worked by 1,750. The act allows the DECD commissioner to adjust the FTE calculation.

New FTEs (§ 424(e)). Under the act, an approved qualified business must employ at least 25 new FTEs in Connecticut by December 31 in the calendar year that is two years before the calendar year in which it claims the rebate. For calculating the rebate, new FTEs refers to the number of new FTEs (1) created two years before the rebate year or (2) maintained in the year before the rebate year, whichever is less.

The rebate is based on (1) the number of new FTEs created or maintained (see above), (2) their average wage, and (3) the state income tax that a single filer would pay on this average wage. Generally, if the new FTEs are in an opportunity zone or distressed municipality (i.e., "designated locations"), the rebate equals 50% of the average state income tax that these employees would pay, multiplied by the number of employees. If the new FTEs are outside of these locations (i.e., "other locations"), the rebate equals 25% of the average state income tax that these employees would pay, multiplied by the number of employees.

Under the act, the total rebate is calculated by adding the rebate amount from the designated locations to the amount from the other locations, as shown in the figure below.

JobsCT Rebate Calculation

New FTEs in designated locations x 50% of the income tax that would be paid on these employees' average wage	+	New FTEs in other locations x 25% of the income tax that would be paid on these employees' average wage	=	Total rebate amount

Rebate Floor and Ceiling (§ 420(e)). The act generally establishes a rebate floor of $1,000 per new FTE, regardless of where it is created. However, for tax credits earned, claimed, or payable before January 1, 2024, the rebate floor equals $2,000 per new FTE. It caps the rebates at $5,000 per new FTE.

Discretionary FTEs (§ 420(f)). Under the act, the process for calculating the rebates for new discretionary FTEs is the same as the process for calculating the rebates for new FTEs (see above). Additionally, new discretionary FTEs have the same $5,000 per FTE cap as new FTEs. However, the floor for new discretionary FTEs is (1) $750 per FTE generally and (2) $1,500 for credits earned, claimed, or payable before January 1, 2024.

FTE Minimum (§ 420(e), (f) & (h)). The act prohibits a business from receiving a rebate if it did not maintain at least 25 new FTEs or new discretionary FTEs (as applicable) in the calendar year immediately before the calendar year in which it claimed the rebate.

Additionally, if a business fails to create 25 new FTEs or new discretionary FTEs in two consecutive calendar years, it must forfeit all remaining rebate allocations unless the DECD commissioner recognizes mitigating circumstances of a regional or national nature, including a recession.

Rebate Caps (§ 420(g)). The act limits the aggregate rebate amount that may be awarded in a fiscal year to (1) $10 million for discretionary FTEs and (2) $40 million overall. It prohibits the DECD commissioner from approving an application in whole or in part if doing so would result in exceeding the applicable cap in any fiscal year.

Rebates and Tax Credit Caps (§§ 421-424)

Under the act, JobsCT rebates are treated as credits against the corporation business and PE taxes and offsets against the insurance premiums tax. If the rebate against any of these taxes exceeds the business's liability for that tax, then the DRS commissioner must treat the excess as an overpayment and refund it to the business without interest.

The act allows the JobsCT rebate to exceed existing law's caps on insurance premiums (generally 30-70% of the amount of tax owed by the business) and corporation business tax credits (50.01% of the tax due). Additionally, the act requires that any JobsCT rebate against the corporation business tax be claimed only after the business has claimed any other available credits against the tax.

Under existing law, if a pass-through business (i.e., affected business entity) is subject to the PE tax, its members (i.e., owners) receive an offsetting credit at the personal or corporate income tax level that equals 87.5% of the member's direct and indirect share of the PE tax paid by the pass-through business. The act requires that the members' personal income tax credit be calculated before any JobsCT rebate is applied to the business's PE tax due.

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.

§ 425 — EXPANDED MANUFACTURING APPRENTICESHIP TAX CREDIT

Extends the manufacturing apprenticeship tax credit to the pass-through entity tax for tax years beginning on or after January 1, 2022

The act extends the manufacturing apprenticeship tax credit to the affected business entity tax (i.e., pass-through entity or PE tax), allowing members of pass-through entities (e.g., limited liability companies (LLCs) and S corporations) to claim the credit against this tax and reduce their PE tax liability. The act allows pass-through entities to do so for tax years beginning on or after January 1, 2022, and requires that the available credit be based on the PE tax due before applying this credit or any other payments against the tax.

Although prior law allowed pass-through entities to earn the manufacturing apprenticeship tax credit, it barred their owners from claiming it. Instead, prior law allowed them to cash in their credits by selling, assigning, or transferring them to businesses that could apply them against the corporation business tax, utility companies tax, and petroleum products gross earnings tax. The act eliminates this authorization for tax years beginning on or after January 1, 2022.

By law, the manufacturing apprenticeship tax credit is available for each apprentice under a qualified training program and equals the lesser of $6 per hour the apprentice works, $7,500, or 50% of the actual apprenticeship wages. Taxpayers may claim it in the first year of a two-year program or the first three years of a four-year program.

The act also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2022, and applicable to income or tax years beginning on or after January 1, 2022.

§ 426 — BRAINARD AIRPORT PROPERTY STUDY

Requires DECD to have an analysis conducted on the benefits and opportunity costs to Hartford and the state of the current and alternative uses of the Hartford Brainard Airport property; generally prohibits the CAA from further encumbering the property

Required Study and Goals

The act requires the state to assess the benefits and opportunity costs to Hartford and the state of the current and alternative uses of the Hartford Brainard Airport property. The state must do so in a way that is consistent with and supports the act's stated goals of promoting the health, welfare, and safety of people in Connecticut; increasing their quality of life; boosting tourism; stimulating the economy; and enhancing people's ability to enjoy the Connecticut river.

Entities Conducting the Analysis

The act requires the DECD to have this analysis conducted. To do so, DECD must issue a request for proposals for an entity to oversee the analysis and produce the report. The act requires the selected entity to subsequently issue separate requests for qualifications to hire consultants, entities, or both, to take on the analysis' economic, environmental, and regulatory components. The entity must select consultants and entities whose expertise best lends itself to analyzing these specific subjects.

The act requires the Connecticut Airport Authority (CAA) to assist and collaborate with these entities and consultants. It also requires DEEP to obtain from the U.S. Army Corps of Engineers any information or reports it has generated in the last 10 years about the Connecticut River in Hartford and Wethersfield. DEEP must provide the information or reports to DECD to distribute to the appropriate consultants or entities to inform their analysis.

DECD must submit a report of the analysis's findings by October 15, 2023, to the Finance, Revenue and Bonding Committee.

Study Scope

The act requires the analysis to identify the following:

1. the economic impact (direct, indirect, quantitative, and qualitative) to the state and surrounding region of the property's (a) current use and (b) alternative uses, including commercial, residential, and recreational

opportunities;
2. the environmental or flood control obstacles to the property's alternative uses, including conducting any required site testing;
3. the possible ways and associated costs of making the property environmentally developable;
4. any federal, state, or local governmental obstacles (including existing contracts) to developing alternative uses, the possible ways to remove the obstacles, and their associated costs; and
5. the property's highest and best use if it is not its current use.

To identify the highest and best use, the study must consider (1) its findings on economic impact and environmental and governmental obstacles and (2) the act's stated goals (i.e., promoting people's health, welfare, and safety; increasing quality of life; boosting tourism; stimulating the economy; and enhancing enjoyment of the Connecticut River).

Limitation on CAA Agreement and Obligations

From July 1, 2022, to May 31, 2024, the act generally prohibits the CAA from entering into any agreements or incurring any obligations that would further encumber the property or prohibit or impinge developing alternative uses. It excludes from this prohibition any agreement or obligation that allows for termination without liability in the event the airport closes in the future; the termination must occur within 6 months after the decision is made to close the airport.

The act also excludes from this prohibition the acceptance of Federal Aviation Administration grants deemed necessary to safely operate the airport. However, it specifies that nothing that extends or results in extending a runway is considered to be for safety maintenance purposes.

EFFECTIVE DATE: July 1, 2022

§§ 427 & 428 — XL CENTER RETAIL SPORTS WAGERING PROCEEDS

Provides the Capital Region Development Authority with the proceeds from retail sports wagering at the XL Center to operate the facility; requires the Connecticut Lottery Corporation president to monthly estimate and certify this amount

The act provides CRDA with the retail sports wagering proceeds at the XL Center in Hartford for purposes of the facility's operation. These proceeds are those that exceed the funding of approved Connecticut Lottery Corporation (CLC) reserves and paying (1) prizes and winnings and their applicable federal excise taxes and (2) current operating expenses.

The act requires the OPM secretary, on the state's behalf, to enter into an agreement with CRDA on the proceeds of operating retail sports wagering at the XL Center. Regardless of any funds that may be appropriated to CRDA for operating the facility, the agreement must require the state to distribute to CRDA a sum equal to the proceeds amount CLC monthly certifies on the XL Center's retail sports wagering proceeds (see below). OPM must distribute this amount to CRDA quarterly and in a way the agreement specifies.

Under the act, the CLC president must monthly estimate and certify to the OPM secretary how much CLC transferred to the General Fund from retail sports wagering proceeds at the XL Center.

EFFECTIVE DATE: Upon passage

§ 429 — SALES AND USE TAX REFUNDS FOR BEER AND WINE MANUFACTURERS

Extends certain manufacturing-related sales and use tax exemptions to holders of manufacturer permits for a farm winery and wine, cider, and mead; allows these same permittees and manufacturer permittees for beer to receive a sales and use tax refund on these manufacturing-related purchases made from July 1, 2018, through July 1, 2023

By law, beginning July 1, 2023, manufacturer permittees for beer (i.e., beer manufacturers) are eligible for specified manufacturing-related sales and use tax exemptions even though they do not otherwise qualify because they manufacture or will manufacture beer at a facility that also makes substantial retail sales. The act extends these same exemptions to manufacturer permittees for (1) a farm winery and (2) wine, cider, and mead.

It additionally makes these three types of permittees eligible for a refund of any sales and use taxes they paid on these manufacturing-related purchases for the five preceding income or tax years. To qualify for this refund, the manufacturers must be in good standing with the Department of Consumer Protection on July 1, 2023.

The act's provisions apply to the following sales and use tax exemptions:

1. gas and electricity for direct use in a manufacturing plant, so long as it is a metered building where at least 75% of the gas or electricity consumed is used for manufacturing purposes (CGS § 12-412(3)(A));
2. materials, tools, and fuel to become part of items sold or used directly in an industrial plant to make finished

products for sale (CGS § 12-412(18));
3. materials, tools, fuels, machinery, and equipment used in manufacturing that are not otherwise eligible for an exemption (50% of the gross receipts from such items) (CGS § 12-412i); and
4. machinery used directly in a beer, wine, brandy, cider, or mead manufacturing process (CGS § 12-412(34)).

Under the act, taxpayers may file a refund claim with DRS by July 1, 2026. In doing so, they must provide documentation that substantiates the tax amount for which they are seeking a refund. As under existing sales and use tax refund law, these claims must be (1) made in writing and state the specific grounds upon which they are founded and (2) verified by the DRS commissioner and disallowed if he determines that they are not valid. Any refunded amount is without interest. As under existing law, taxpayers with disallowed refund claims may file a written protest with the commissioner, subject to the existing procedures for doing so.
EFFECTIVE DATE: July 1, 2023

§ 430 — SALES AND USE TAX EXEMPTION FOR WATER COMPANIES

Exempts certain water company purchases from sales and use tax

The act exempts from sales and use tax the goods and services water companies purchase to maintain, operate, manage, or control a pond, lake, reservoir, stream, well, or distributing plant or system that supplies water to at least 50 customers. Under the act, "water companies" are those regulated by the Public Utilities Regulatory Authority (i.e., private, investor-owned water companies).
EFFECTIVE DATE: July 1, 2022, and applicable to sales occurring on or after that date.

§ 431 — GAS TAX HOLIDAY

Extends through November 30, 2022, the suspension of the 25-cent-per-gallon motor vehicle fuels tax on gasoline and gasohol

The act extends through November 30, 2022, the suspension of the 25-cent-per-gallon motor vehicle fuels tax on gasoline and gasohol which was set to expire on June 30, 2022. By law, the tax is imposed on fuel distributors and applies to motor vehicle fuel used or sold in Connecticut. As with the prior suspension, the act's provisions do not affect the tax due on propane, natural gas, or diesel.

Under existing law, (1) retail fuel dealers must reduce the per-gallon price of the gasoline and gasohol they sell by 25 cents and (2) violations of this requirement are an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act (CUTPA).

Retailers may use the following as affirmative defenses against alleged violations of the act's price reduction requirement: (1) an increase in the wholesale price of fuel that occurs after the tax reduction, (2) an increase in any other tax imposed on the fuel that occurs after the tax reduction, or (3) any other bona fide business cost increase the retailer incurs and relied upon in making the decision to not reduce the price (CGS § 14-332a(c)(4)).
EFFECTIVE DATE: Upon passage

§ 432 — MOTOR VEHICLE FUELS TAX REFUND FOR EMERGENCY MEDICAL SERVICE ORGANIZATIONS

Allows EMS organizations to get a motor vehicle fuels tax refund for fuel used in ambulances the organization owns

The act allows EMS organizations to apply for a motor vehicle fuels tax refund for fuel used in ambulances the organization owns. An EMS organization is a corporation or other public, private, or voluntary organization that (1) is licensed by the Department of Public Health's Office of Emergency Medical Services and (2) offers ambulance transportation or treatment to patients primarily under emergency circumstances or a mobile integrated health care program.

Existing law already allows hospitals and nonprofit civic organizations to get refunds for fuel used in ambulances they own.
EFFECTIVE DATE: July 1, 2022

§§ 433 & 434 — MUNICIPAL GAS COMPANY GROSS EARNINGS TAX EXEMPTION

Beginning July 1, 2022, exempts municipal gas utilities from the utility companies tax

Beginning July 1, 2022, the act exempts municipal gas utilities from the utility companies tax. Under prior law, municipal gas utilities paid a 4% tax on gross receipts from their residential customers and 5% on those from nonresidential customers. The act also makes related technical and conforming changes.

EFFECTIVE DATE: July 1, 2022; changes to the utility companies tax rate provisions are applicable to tax quarters beginning on or after July 1, 2022.

§ 435 — ADMISSIONS TAX ON MOVIES ELIMINATED

Eliminates the 6% admissions tax on movie tickets beginning in 2023

Starting January 1, 2023, the act eliminates the 6% admissions tax on movie tickets. Under prior law, this tax applied to tickets costing more than $5.

EFFECTIVE DATE: July 1, 2022

§§ 436 & 515 — AMBULATORY SURGICAL CENTER TAX REPEAL

Eliminates the ASC tax beginning July 1, 2022

Beginning July 1, 2022, the act (1) sunsets the ambulatory surgical center (ASC) gross receipts tax one year earlier than under prior law and (2) eliminates the ASC net revenue tax previously scheduled to take effect on July 1, 2023.

Under prior law, until July 1, 2023, the ASC gross receipts tax was 6% of each ASC's gross receipts for each quarter, excluding (1) the first $1 million in the applicable fiscal year, excluding Medicaid and Medicare payments; (2) net revenue of a hospital subject to the hospital provider tax; and (3) any Medicaid and Medicare payments the ASC receives. Beginning July 1, 2023, prior law replaced the gross receipts tax with a 3% net revenue tax on specified ASC services, excluding (1) Medicaid and Medicare payments on these services and (2) any net revenue of a hospital subject to the hospital provider tax.

EFFECTIVE DATE: Upon passage for the sunset of the gross receipts tax; July 1, 2022, for the repeal of the net revenue tax.

§ 437 — SPONSORED CAPTIVE AND ASSOCIATION CAPTIVE INSURER DEFINITIONS

Changes definitions as they relate to statutes governing captive insurers to, among other things, incorporate sponsored captives

Generally, existing law prohibits certain captive insurers from insuring risks other than those of their parent company, affiliated companies, or controlled unaffiliated businesses. The act expands the definition of "controlled unaffiliated business" to include any person who (1) for a sponsored captive insurance company, is not in the participant's corporate system, or that of its affiliated business; (2) for a sponsored captive insurance company, has a contractual relationship with the participant or its affiliated businesses; and (3) has their risks managed by the sponsored captive. It makes corresponding changes, including specifying that a "participant" includes a controlled unaffiliated business insured by a sponsored captive insurer.

The act also removes a requirement that an "association" (for purposes of being insured by an association captive) be in continuous existence for at least one year.

EFFECTIVE DATE: July 1, 2022

§§ 437 & 439-444 — FOREIGN BRANCH CAPTIVES

Allows foreign captive insurers to open a branch in Connecticut and generally subjects them to requirements applicable to alien captives

The act allows a foreign captive to open a Connecticut branch as existing law allows for alien captives. It does so by adding "foreign captive insurance company" (i.e., is an insurer licensed in a state other than Connecticut with statutory or regulatory standards that the insurance commissioner deems acceptable) to the definition of "branch captive insurance company." Branch captives are licensed to transact business in Connecticut through a business unit with a principal place of business in the state (CGS § 38a-91ff). By law, an alien captive is licensed in another country; a foreign captive is licensed in another state.

The act generally requires foreign captives to meet the same requirements as licensed alien captives. Among other things, this includes subjecting them to the applicable premium tax, examination, minimum capital and surplus, incorporation, and reporting requirements, with minor changes described below.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2022

Examinations (§§ 439 & 443)

The act prohibits the insurance commissioner from licensing a foreign branch captive insurer unless it allows him to examine the foreign captive in the jurisdiction where it was formed, operates, or maintains books and records.

The act makes a similar change for existing alien branch captives, prohibiting licensure unless the commissioner can examine the captive in the jurisdiction where it was formed, operates, or maintains books and records. Prior law limited this prohibition unless the commissioner could examine the captive where it was formed.

The act requires branch captives to undergo a financial condition review by the commissioner or his designee at least every five, rather than three, years and additionally when determined to be prudent as under prior law. The examination is limited to branch business and operations so long as it (1) annually gives the commissioner a certificate of compliance or similar document issued by, or filed with, its domiciliary jurisdiction and (2) shows that it is operating in sound financial condition according to the laws and regulations of its domiciliary jurisdiction. The act also allows him to waive the requirement for pure captives and their branches (see below).

Minimum Capital and Surplus Requirements for Branch Captives (§ 440)

As a condition of licensure, prior law required branch captives to maintain paid-in capital and surplus of at least $250,000 as security for its liabilities. The act potentially reduces the required capital and surplus amount to the greater of $50,000 or another amount the commissioner determines necessary to secure the liabilities attributed to the captive's operations. As with existing law, branch captives must have reserves on their insurance or reinsurance policies that they issue or assume through their branch operations. The reserves must include reserves for losses, allocated loss adjustment expenses, incurred but not reported losses, and unearned premiums.

Under prior law, the commissioner could allow a credit against the reserves for certain assets posted with a ceding insurer or posted by a reinsurer. The act instead allows a credit for assets belonging to (1) the branch captive that are held in a trust for, or segregated or controlled by, a ceding insurer to secure the captive's reinsurance obligations to the ceding insurer or (2) a reinsurer that are held in trust for, or otherwise controlled by, the branch captive and secure the reinsurer for its obligations to the captive.

Branch captives' capital and reserves must be held according to law, which generally requires a trust or irrevocable letter of credit.

The act allows the commissioner to exempt a foreign branch captive from the capital and reserve requirements if he determines that the branch captive is financially stable.

Annual Reporting (§ 442)

Prior law required an alien branch captive insurer, annually by March 1, to submit to the insurance commissioner a copy of the reports and statements that must be submitted in the alien captive insurer's domiciliary jurisdiction. The act instead requires all branch captives (alien and foreign) to file the copies and statements with the commissioner on the same day they must be filed in the domiciliary jurisdiction.

As with existing requirements for alien branch captives, the act allows the commissioner to waive additional annual reporting if he finds that the foreign captive's submitted material gives adequate information on its financial condition. If he does not, or if the branch captive is not required to file in its domiciliary jurisdiction, the act requires the alien or foreign branch captive to submit additional reports, at a time and in a form and manner the commissioner prescribes, containing adequate information about its financial condition.

§ 438 — TAX AMNESTY PROGRAM

Creates a tax amnesty program for insureds that open a branch captive in, or transfer an alien or foreign captive to, Connecticut by June 30, 2023

By law, insureds that independently procure insurance (i.e., buy it directly from a non-admitted insurer without a broker) must pay a 4% tax on the gross premiums. An insured who fails to pay the tax is subject to penalties and interest (CGS § 38a-277).

The act establishes a limited tax amnesty program for insureds liable for the tax. Under the program, qualified insureds are not liable for (1) the tax, interest, or penalties for tax periods before July 1, 2019, and (2) applicable tax penalties for tax periods between July 1, 2019, and July 1, 2022.

To qualify, an insured, by June 30, 2023, must (1) establish a branch captive in, or transfer the domicile of its alien or foreign captive to, Connecticut and (2) pay all independently procured insurance premium taxes and interest due for the tax periods between July 1, 2019, and July 1, 2022.

EFFECTIVE DATE: July 1, 2022

§§ 440, 443 & 445-448 — CAPTIVE INSURER CAPITAL, EXAMINATION, REINSURANCE, AND DORMANCY REQUIREMENTS

Makes several changes to the captive insurer licensing statutes, including by potentially reducing minimum capital and surplus requirements.

Minimum Capital and Surplus Requirements for Certain Captives (§ 440)

The act generally reduces the minimum capital and surplus requirements for certain other captives as it similarly does for branch captives (described above), as shown in the table below.

Minimum Capital and Surplus Requirements for Certain Captives Under Prior Law and the Act

Captive Type	*Prior Law*	*The Act*
Pure captive	$250,000	The greater of $50,000 or an amount the commissioner determines is necessary for the captive to meet its obligations
Association, industrial, or agency captive	$500,000	The greater of $250,000 or an amount the commissioner determines is necessary for the captive to meet its obligations
Sponsored captive	$225,000	The greater of $75,000 or an amount the commissioner determines is necessary for the captive to meet its obligations
Special purpose captive	$250,000	The greater of $250,000 or an amount the commissioner determines is necessary for the captive to meet its obligations
Sponsored captive licensed as a special purpose captive	$500,000	The greater of $250,000 or an amount the commissioner determines is necessary for the captive to meet its obligations

Examination and Reinsurance (§§ 443 & 445)

Additionally, the act requires the commissioner to inspect and examine captive insurers once every five years, instead of once every three years (or once every five years, if the insurer conducts annual audits) and allows him to waive the requirement for pure captives and their branches. It also allows captive insurers to assume all types of reinsurance from other insurers, instead of assuming reinsurance only on risks the company is authorized to write directly as under prior law.

Regulations (§ 446)

Existing law allows the commissioner to adopt regulations pertaining to the captive insurance statutes, as well as to set standards for a parent or affiliated company to manage risk of controlled unaffiliated businesses that are insured by pure captive insurers. The act (1) expands his general authority to adopt regulations related to all related captive statutes and (2) specifies that his regulatory authority over risk management standards includes controlled unaffiliated businesses insured

by pure, industrial, or sponsored captives. It makes a corresponding change allowing him to approve coverage of these risks by industrial and sponsored captives until regulations are approved.

Dormancy (§ 448)

By law, pure, sponsored, and industrial captive insurers that have stopped conducting business and have no more liabilities can apply to the commissioner for a certificate of dormancy. The act (1) extends, from two to five years, the length of time before a certificate of dormancy must be renewed and (2) lowers the minimum capital and surplus that a dormant captive must maintain from $25,000 to $15,000. It also exempts a captive that was never capitalized from adding capital upon becoming dormant.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2022

§§ 449-456 & 514 — STATE RECOVERY OF PUBLIC ASSISTANCE BENEFITS

Prohibits the state from recovering properly paid cash or medical assistance unless required to do so under federal law; releases liens and claims filed before July 1, 2022, to recover assistance when recoveries are not required under federal law or associated with child support collection

The act prohibits the state from recovering properly paid cash or medical assistance unless required to do so under federal law. It also requires the state to release any lien on real property or any claim filed before July 1, 2022, to recover public assistance that is not required under federal law or associated with child support collection. Relatedly, it eliminates provisions releasing liens under narrower circumstances.

Prior law generally limited the state's claim to recover cash and medical assistance to amounts required to be recovered under federal law for recipients of aid under (1) cash assistance programs (i.e., State Supplement Program (SSP), Aid to Families with Dependent Children (AFDC), Temporary Family Assistance (TFA, which replaced AFDC) provided to anyone over age 18, or State Administered General Assistance (SAGA)) or (2) Medicaid. This includes recoveries from windfalls such as lottery winnings, proceeds from a lawsuit, and inheritances. But, under prior law, when children received or had received cash assistance benefits under AFDC, TFA, or SAGA, their parents were generally liable to the state for the full amount of aid paid to or on behalf of either parent, their spouses, and dependent children. The act eliminates these provisions. It also eliminates provisions that cap the state's claim when parents receive a windfall from a lawsuit or inheritance at (1) 50% of the lawsuit proceeds or inheritance received by the parent or (2) the amount the parent owes, whichever is less.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2022

Estates and Annuities

Prior law gave the state a claim to the estate of someone who died and (1) received benefits under SSP, medical assistance (including Medicaid but excluding HUSKY D), AFDC, TFA, or SAGA or (2) had a child who received benefits under AFDC, TFA, or SAGA. The act instead only allows the state to recover assistance from an estate when a Medicaid beneficiary dies and only to the extent that (1) the state has not been reimbursed and is required to recover the funds under federal law and (2) the beneficiary's surviving spouse, parent, or dependent children do not need the funds for support.

Similarly, under prior law, funds due under an annuity purchased by a public assistance beneficiary were deemed part of the beneficiary's estate and subject to recovery. The act limits annuity recovery to Medicaid beneficiaries and only to the extent that federal law requires recovery.

Child Support Recoveries

The act specifies that its provisions do not preclude the state, in a IV-D support case, from retaining child support collected from a parent subject to a support order from the Superior Court or a family support magistrate, unless doing so conflicts with federal law. Under both prior law and the act, the state has a lien against any property, estate, or claim of any kind for a parent of an AFDC or TFA beneficiary for child support and arrearages owed under these support orders; the law and act also exempt certain property from the lien (e.g., a home, household goods, and other personal property). The act also makes a technical change to remove the state's claim to recover child support from parents of SAGA beneficiaries. Generally, IV-D support cases are cases in which DSS's Office of Child Support Services provides child support

enforcement services for Medicaid and TFA beneficiaries, among others (CGS § 46b-231(b)(13)).

The also act eliminates provisions that cap the state's claim when parents receive a windfall from a lawsuit or inheritance at (1) 50% of the lawsuit proceeds or inheritance received by the parent or (2) the amount the parent owes, whichever is less.

Under prior law, when funds were collected for public assistance or child support recoveries, and the person who would have otherwise been entitled to the funds was subject to a child support order, the funds were paid in the following order:

1. first, to the state to reimburse Medicaid funds granted to the person for medical expenses incurred for injuries related to a legal claim that was subject to the state's lien;
2. then to DSS's Office of Child Support Services to be distributed as child support; and
3. any remaining funds were paid to the state for payment of previously provided cash assistance or medical assistance.

The act generally retains this payment order but applies it to payments collected from legally liable third parties (e.g., health insurers). Funds are paid first to reimburse the state for Medicaid funds for treating injuries related to legal claims that are subject to the state's right of subrogation. This right generally allows the state to collect funds from insurers that are obliged to pay before Medicaid pays. Similar to prior law, remaining funds are paid to DSS's Office of Child Support Services to be distributed as child support. Under the act, any additional state claim to the remainder of these funds, if any, must be paid in accordance with state law.

The act also eliminates a requirement that DSS adopt regulations to establish criteria and procedures to adjust the state's claim for public assistance or child support to encourage noncustodial parents to be positively involved in their children's lives and begin making regular support payments.

Recoveries Under Other Circumstances

The act separates other recovery requirements from provisions affecting public assistance recoveries.

By law, a person who has received or is receiving care in a state humane institution is liable, along with his or her estate, to reimburse the state for any unpaid portion of the per capita cost of care. By law, similarly, a parent of a minor child who receives care or support under state laws related to juvenile matters (e.g., neglected or delinquent children) is liable to reimburse the state for the cost of this care or support. The act eliminates provisions under which liability in these cases is to the same extent, and under the same terms and conditions, as liability for parents of public assistance recipients.

§§ 457 & 458 — COST OF INCARCERATION

Regarding the state's claim for incarceration costs, (1) exempts up to $50,000 of an inmate's other assets, except those of inmates incarcerated for certain serious crimes, and (2) makes the state's lien against lawsuit proceeds applicable only to inmates incarcerated for certain serious crimes

Exempt Property

The law requires the DOC commissioner to assess inmates for the costs of their incarceration and gives the state a claim against any property owned by an inmate, subject to certain exemptions. The act additionally exempts up to $50,000 of other assets, except for inmates incarcerated for capital felony or murder with special circumstances, felony murder, 1st or 2nd degree sexual assault, 1st degree aggravated sexual assault, or aggravated sexual assault of a minor.

Existing law also exempts:

1. property that is statutorily exempt from execution to satisfy court judgments and exempt property of a farm partnership;
2. money from reenacting the inmate's violent crime in various media (such as movies and books) or from expressing the person's thoughts or feelings about the crime, which, by law, must be paid to the Office of Victim Services;
3. property acquired for working during incarceration as part of certain job training, skill development, career opportunity, or enhancement programs; and
4. property the inmate acquired after he or she was released from incarceration.

Lawsuit Proceeds

By law, if someone who owes the state money for the cost of his or her incarceration wins a judgment in a lawsuit that he or she brought within 20 years after release, then the state's claim is a lien against these proceeds. The maximum amount

of the claim is the full cost of the inmate's incarceration or 50% of the proceeds, minus certain expenses (e.g., attorney's fees), whichever is less.

The act limits this to lawsuit proceeds for inmates incarcerated for capital felony or murder with special circumstances, felony murder, 1st or 2nd degree sexual assault, 1st degree aggravated sexual assault, or aggravated sexual assault of a minor.

EFFECTIVE DATE: Upon passage, and applicable to costs of incarceration incurred, before, on or after that date.

§ 459 — OEC START EARLY – EARLY CHILD DEVELOPMENT INITIATIVE

Requires OEC to establish and administer the Start Early - Early Child Development Initiative; allows OEC to use funds the state received through the American Rescue Plan Act to administer it

The act requires OEC to establish and administer the Start Early - Early Child Development Initiative. The office must develop funding priorities for the initiative for early education and support services through a grant program for research and early education service providers to support the growth and enhancement of a system of high-quality early childhood care and education and support services.

Under the act, OEC may test more than one type of intervention or program for young children and families, and it must track differences in child progress by program type. Funding under the initiative may include targeted formula grants to providers in high-need areas throughout the state to serve a cohort of children from infancy through kindergarten entrance. The funding may also include existing providers serving a cohort of children in the target community who agree to implement research-based professional development or curricular interventions that begin in the infant and toddler years.

Standards

OEC must establish standards for the initiative that include eligibility, participant, and data reporting requirements; program outcome metrics; evaluative methods; and a formula for distributing grant funds for at least a five-year period. The standards may include guidelines for staff-child interactions; lesson plans; parental engagement; staff qualifications and training; and curriculum content, including physical, social, emotional, quantitative, executive function, and preliteracy development.

Contracts With Higher Education Institutions

Under the act, the OEC commissioner, or an OEC-contractor under the initiative, must enter into contracts with a higher education institution, a child care center, a group or family child care home, or staffed family child care networks. These contracts are for the purpose of creating new, or supporting existing, infant and toddler spaces and preschool spaces within the standards OEC establishes (see above). In entering such a contract, the commissioner must give priority to child care centers, group child care homes, and family child care homes that meet the following criteria:

1. are located in towns with the lowest median household income or the greatest deficit of early care availability,
2. create new infant and toddler spaces,
3. are accredited, and
4. licensed to individuals reflecting the demographics of the community where the center or home is located.

Contracts entered into under the initiative may require the child care provider to give access to family support services to receive the grants. These family support services must include parenting support; home visiting; early intervention services; information about child development; and assistance to help parents complete their education, learn English, enroll in a job training program, or find employment.

Funding

The act authorizes OEC to use federal funds the state received through the federal American Rescue Plan Act for the initiative's administrative expenses, including (1) entering into an agreement with a third party to manage the program; (2) designing, collecting, and analyzing required data on outcome measures as OEC prescribes; and (3) developing data collection and evaluation tools for continuous program evaluation.

Reporting

The act requires OEC to develop an annual report on the initiative's data and outcome measures. The report must include achievement on the elements in the Connecticut Early Learning and Development Standards as reported in the accompanying assessment tool. OEC may also develop modification recommendations for the early education system based on an evaluation of the initiative's data and outcomes.

Starting by January 1, 2023, OEC must annually submit the report and any related recommendations to the Education Committee.

EFFECTIVE DATE: July 1, 2022

§ 460 — TAX INCIDENCE STUDY

Expands the scope of the DRS tax incidence study; moves the deadline for the next study from February 15, 2024, to December 15, 2023

By law, the DRS tax incidence study must provide the overall incidence of the income tax, sales and excise taxes, corporation business tax, and property tax. The act requires that it (1) provide this information for each of the most recent 10 tax years for which complete data are available and (2) include incidence projections for each of these taxes.

Prior law required the report to present information on the tax burden distribution for individual taxpayers by income classes, including income distribution by income deciles (i.e., every 10 percentage points). The act additionally requires it to present this information for the top 1% and 5% of all income taxpayers.

The act also moves the deadline for the next study from February 15, 2024, to December 15, 2023.

EFFECTIVE DATE: July 1, 2022

§ 461 — TOWN AID ROAD REPORTING

Requires each town or district that received TAR funds to annually report to the transportation commissioner on how the funds were used

Starting by September 1, 2022, the act requires each town or district that received Town Aid Road (TAR) funds to annually report to the transportation commissioner, in a form and manner he prescribes, detailing how the funds were used the previous fiscal year. Specifically, it must list how much TAR funding the town or district spent on each of the permitted uses of TAR funds (e.g., highway construction, reconstruction, improvement, or maintenance).

EFFECTIVE DATE: July 1, 2022

§ 462 — ADVANCED NOTICE OF ROAD PROJECTS

Requires municipalities, utility companies, and OPM to submit certain reports related to (1) advanced notice of road projects affecting utility infrastructure and (2) inspection procedures upon project completion

Town Report

By December 1, 2022, the act requires each municipality's chief executive officer to submit to the OPM secretary a letter stating whether the municipality does the following:

1. provides advanced notice to gas, water, or other utility companies of any impending road project involving paving, repaving, or grading of a street or road that includes any gas, water, or other utility infrastructure (including maintenance hole covers, sewer grates, and utility service grates) that could impede the safe operation of vehicles and
2. performs a final inspection and approval of the project.

For each affirmative response, the municipality must include a description of the process for providing advanced notice or the procedures for final inspection and approval.

Utility Company Report

By December 1, 2022, each gas, water, or other utility company whose infrastructure may be impacted by road paving, repaving, or grading must submit to OPM a description of the company's experience with advance project notice from each municipality whose project may impact that company's infrastructure.

OPM Report

By January 1, 2023, the OPM secretary must report the following to the Appropriations; Finance, Revenue and Bonding; and Transportation committees:

1. a summary of the (a) processes the municipalities describe for providing advanced notice to utility companies and (b) final inspection and approval processes the municipalities describe,
2. a comparison of the municipalities' and utility companies' descriptions of the advanced notice process, and
3. any other information the OPM secretary deems relevant.

EFFECTIVE DATE: Upon passage

§§ 463 & 464 — 30-YEAR MUNICIPAL BONDS

(1) Makes permanent an authorization allowing municipalities to issue bonds with a term of up to 30 years and (2) extends this authorization by five years for refunding bonds

Prior law generally limited municipal bond terms to 20 years unless the general statutes or a special act expressly allowed another term. Existing law allows a term of up to 30 years for bonds issued from July 1, 2017 to July 1, 2022. The act makes this authorization permanent (§ 463).

Existing law allows municipalities to issue refunding bonds to pay off all or part of their bonds, notes, or other debt obligations. Refunding bonds generally must mature by the maturity date of the bonds, notes, or obligations that they are used to pay off (i.e., generally 20 years, but 30 years in the case of refunding bonds issued between July 1, 2017 and July 1, 2022). The act extends existing law's temporary authorization to issue 30 year refunding bonds by five years, until July 1, 2027.

Municipalities may issue refunding bonds with a maturity of up to 30 years only if their legislative bodies adopt a resolution to do so by a two-thirds vote. By law, the resolution approving the refunding bonds may include a provision securing the refunding bonds by a statutory lien on all of the municipality's tax revenues. The revenues are immediately subject to the lien without any further action or authorization by the municipality. The lien is valid and binding against the municipality; its successors, transferees, and creditors; and all other parties asserting rights to these revenues, regardless of whether they received specific notice of the lien, and without physical delivery, recording, or filing of the lien or any further action.

EFFECTIVE DATE: July 1, 2022

§ 465 — ENTERPRISE ZONE DESIGNATION REMOVAL

Prohibits the DECD commissioner from removing an enterprise zone's designation under specified conditions

Existing law authorizes the DECD commissioner to remove an enterprise zone's designation if the area no longer meets the designation criteria. The act prohibits the commissioner from doing so if the number of residents in the zone with incomes below the poverty level has not been reduced by at least 75% from the date the zone was originally approved (based on the most recent U.S. census). As under existing law, once designated an area remains an enterprise zone for at least 10 years.

Generally, to qualify as an enterprise zone under the program's statutory criteria, a proposed zone must meet specified poverty measures (e.g., at least 25% of the zone's residents must have incomes below the poverty level or receive public assistance, or the zone's unemployment rate must be at least double the average state rate).

EFFECTIVE DATE: Upon passage

§§ 466 & 467 — COMMERCIAL DRIVER'S LICENSE TRAINING PROGRAM

Requires OWS to design and implement a program to support individuals pursuing commercial driver's license (CDL) training; establishes a nonlapsing account within OWS to support the program; establishes a Connecticut Career Accelerator Program Advisory Committee

The act requires OWS, by January 1, 2023, to use income share agreements or equivalent financial instruments to design a program supporting individuals pursuing CDL training. The act allows OWS to competitively procure a consultant to support the program's design and implementation. The program must be implemented by July 1, 2023.

EFFECTIVE DATE: Upon passage

Program Design

Under the act, program design must consider developing the following:

1. metrics for identifying qualified training providers;
2. training provider payments that are incentive-based, such as paying a trainer 80% of a student's tuition before providing any training and the remaining tuition upon the student's job placement; and
3. a method for targeting potential students for the program.

Tuition Repayment Obligation

The act requires the program to include terms and conditions for the payment obligations undertaken by individuals who obtain tuition assistance from the program's account (see below). Under the act, the program must require individuals who receive a direct tuition payment from the account to repay it if, after training, the program places them in a job where they earn an income greater than before their program participation. The act also requires the program to consider offering wrap-around supports (e.g., stipends, child care services, and counseling) and other supports identified by OWS.

The act prohibits (1) interest from being charged on any tuition repayment obligation and (2) individuals receiving wrap-around supports from having to repay the account for those supports.

Marketing Plan

Under the act, OWS must develop a marketing plan to attract individuals who fit the program's eligibility criteria and target this marketing to recruit individuals who meet the following criteria:

1. are underserved, disadvantaged, unemployed, or underemployed;
2. are dislocated workers;
3. receive temporary assistance for needy families, supplemental nutrition assistance program, or any other public assistance benefits;
4. were formerly incarcerated; or
5. are veterans of the armed services.

The act requires the marketing plan to include outreach to various state agencies, the regional workforce investment boards, transit authorities, housing authorities, the Office of Early Childhood, and other partners OWS identifies.

Reporting

The act requires OWS, by April 1, 2023, to report on the program's implementation and design to the following committees: Appropriations; Commerce; Education; Finance, Revenue and Bonding; Higher Education and Employment Advancement; and Labor and Public Employees.

Additionally, starting by July 1, 2024, OWS must submit an annual report to the committees listed above that may include the following information:

1. program completion and job placement rates;
2. funds used as payment obligations, grants, and wraparound services for program participants;
3. starting wages, wage gains, and wage growth of individuals employed after participating in the program; and
4. percentage of program participants in compliance with repayment obligations and total repayments received.

Connecticut Career Accelerator Program Account

The act correspondingly establishes a nonlapsing Connecticut Career Accelerator Program account within OWS to support CDL training in the CareerConneCT workforce training program. The account must contain any money required by law to be deposited into it, and it may accept gifts, grants, or donations from public or private sources. OWS must use the account to carry out the program's purposes.

Connecticut Career Accelerator Program Advisory Committee

The act also establishes a Connecticut Career Accelerator Program Advisory Committee to examine other innovative models that support individuals pursuing CDL training. It must make recommendations for aligning the program with other states' best practices and methods to ensure account sustainability. Under the act, these methods may include (1) requiring program graduates to deposit a percentage of their state income tax into the account and (2) incentivizing corporations,

private citizens, and philanthropic organizations to contribute to the account. The committee may hold informational hearings to gather information related to the program.

The act requires the Finance, Revenue and Bonding Committee chairpersons and ranking members to appoint the advisory committee members, and the committee's administrative staff must serve as the advisory committee's administrative staff. Under the act, committee membership may include representatives of (1) OWS; (2) the Invest in Student Advancement Alliance; (3) a technology solutions provider that prepares individuals for career training opportunities; (4) nonprofit, for profit, and labor organizations that operate commercial truck driving training programs; and (5) other workforce training programs. Additionally, other individuals with knowledge and expertise that may facilitate and enhance program operation may serve as committee members.

§ 468 — PROPERTY APPRAISAL REQUIREMENT FOR APPEALS § 12-117A

Requires certain property owners who appeal their real property's valuation to the Superior Court to file a property appraisal with the court

Existing law allows property owners to appeal their assessments to a municipality's board of assessment appeals. The appeals board must hold a hearing on each appeal, except for those on commercial, industrial, utility, or apartment properties assessed at over $1 million, which may be appealed directly to Superior Court if the appeals board declines to hear them (CGS § 12-111). A taxpayer aggrieved by an appeals board's decision can also appeal to Superior Court (CGS § 12-117a).

The act requires applicants in certain of these appeals, if they concern the valuation of real property assessed at $1 million or more, to file a property appraisal with the court (it incorrectly references the appeals made under CGS § 12-117a). Under the act, applicants must file the appraisal within 90 days after filing the appeal (PA 22-146, § 19, changes the deadline to within 120 days after filing the appeal). This requirement applies for any appeal application made on or after July 1, 2022.

The appraisal must be completed by an individual or company licensed to perform real estate appraisals in Connecticut. The act authorizes the court to (1) extend the filing deadline for good cause and (2) dismiss the appeal if the appraisal is not timely filed.

EFFECTIVE DATE: July 1, 2022

§§ 469 & 470 — CRDA'S SOLICITATION OF PRIVATE INVESTMENTS

Authorizes CRDA to solicit private investment funds from companies for projects it undertakes; establishes conditions under which businesses may make these investments if one of their officers, directors, shareholders, or employees is a CRDA board member

The act authorizes CRDA to solicit private investment funds from businesses to finance any capital city project (see *Background*) or other project CRDA undertakes. It requires that the private investments be made on equivalent or substantially similar terms and conditions as the investments CRDA makes for the project, as set by CRDA's board of directors, but allows CRDA to give these private investments repayment priority.

The act allows businesses to make these private investments even if an employee, officer, director, or shareholder of the business is a CRDA board member, so long as the member recuses himself or herself from any board deliberation, action, or vote on a project that is specific to the business.

Background — Capital City Projects

By law, "capital city projects" include the following, among others:

1. construction or rehabilitation of up to 3,000 downtown housing units,
2. development and redevelopment of buildings in Hartford,
3. development of riverfront infrastructure and improvements in Hartford and East Hartford,
4. demolition or redevelopment of vacant buildings in Hartford and East Hartford, and
5. addition of downtown parking.

§ 471 — REDUCED FY 23 TRANSFER OF AMERICAN RESCUE PLAN ACT FUNDS

Eliminates the FY 22 transfer to the General Fund from designated ARPA funds and reduces the FY 23 transfer from $1,194.9 million to $314.9 million

PA 21-2, § 453, JSS, requires the comptroller to transfer to the General Fund from ARPA's Coronavirus State Fiscal Recovery Fund $559.9 million for FY 22 and $1,194.9 million for FY 23. The act eliminates the FY 22 transfer and reduces the FY 23 transfer to $314.9 million.
EFFECTIVE DATE: Upon passage

§ 472 — ARPA HOME AND COMMUNITY-BASED SERVICES FUNDS

Requires the state comptroller to reserve $83.2 million of General Fund revenue received under ARPA for home and community-based services in FY 22 to be used for federal revenue collections in FY 23

The act requires the state comptroller to reserve, for federal revenue collections in FY 23, $83.2 million of General Fund revenue received under ARPA for home and community-based services in FY 22.
EFFECTIVE DATE: Upon passage

§ 473 — REVENUE TRANSFER FROM FY 22 TO FY 23

Requires the comptroller to transfer $125 million of FY 22 General Fund resources for use in FY 23

By June 30, 2022, the act requires the comptroller to transfer $125 million of FY 22 General Fund resources to be accounted for as FY 23 General Fund revenue.
EFFECTIVE DATE: Upon passage

§§ 474-481 — REVENUE ESTIMATES

Modifies previously adopted revenue estimates for FY 23

The act modifies revenue estimates for FY 23 that were previously adopted in 2021 as part of the FY 22-23 biennial state budget, as shown in the following table.

Modified FY 23 Revenue Estimates

Fund	*Prior Law*	*Act*
General Fund	$21,809,775,000	$22,388,200,000
Special Transportation Fund	2,029,300,000	2,091,900,000
Mashantucket Pequot and Mohegan Fund	51,500,000	51,509,000
Banking Fund	29,600,000	29,800,000
Insurance Fund	122,500,000	123,200,000
Consumer Counsel and Public Utility Control Fund	31,000,000	32,800,000
Workers' Compensation Fund	27,050,000	27,300,000
Tourism Fund	13,400,000	13,450,000

EFFECTIVE DATE: July 1, 2022

§ 482 — DOH RENT BANK GRANT ASSISTANCE

Increases the maximum amount of grant assistance families may receive under DOH's Rent Bank Program and eliminates a related eligibility requirement

The act increases, from $1,200 to $3,500, the maximum amount of DOH Rent Bank Program grant assistance an eligible family may receive during a consecutive 18-month period. By law, to qualify for the Rent Bank Program families must (1) be at risk of homelessness, eviction, or foreclosure and (2) have an income that is 60% of the state median or less (including those receiving temporary family assistance from the state).

As under prior law, to receive Rent Bank assistance qualifying families must document income loss or increased expenses, which may include loss of employment or benefits; medical disabilities or emergencies; disasters; changes in

household composition; or other DOH-determined, non-recurring, severe hardships. But the act eliminates an additional eligibility requirement under prior law that qualifying families must participate in the department's assessment and mediation program. (However, existing law on the assessment and mediation program, unchanged by the act, requires families to be referred to this program before being eligible for Rent Bank grants (CGS § 8-347a(c)).
EFFECTIVE DATE: July 1, 2022

§ 483 — SALES TAX REMITTANCE FOR CERTAIN MARKETPLACE FACILITATORS

Exempts marketplace facilitators that facilitate passenger motor vehicle and truck rentals on behalf of rental companies from sales tax collection and remittance requirements on behalf of these sellers

By law, marketplace facilitators (e.g., online marketplaces) are considered retailers for the sales they facilitate for third-party sellers and generally must collect and remit sales tax on behalf of these sellers. The act exempts marketplace facilitators that facilitate passenger motor vehicle and truck rentals on behalf of rental companies from these requirements. In doing so, it makes the rental companies responsible for collecting and remitting sales tax on these sales.

Under the act and existing law, "rental companies" are generally businesses that rent out a fleet of five or more passenger motor vehicles, rental trucks, or machinery, but not those whose rental income is less than 51% of their total annual revenue. "Passenger motor vehicles" are those rented without a driver that are part of a rental car company's fleet. "Rental trucks" are (1) vehicles rented without a driver with a gross vehicle weight of 26,000 pounds or less and used to transport personal property (but not for business purposes) or (2) trailers with a gross vehicle weight of 6,000 pounds or less.
EFFECTIVE DATE: July 1, 2023

§§ 484-488 — PROTECTIONS FOR REPRODUCTIVE AND GENDER-AFFIRMING HEALTH CARE SERVICES IN THE STATE

Establishes a cause of action for persons against whom there is an out-of-state judgment based on reproductive and gender-affirming health care services; limits the assistance officers of Connecticut courts, public agencies, and certain health care providers may deliver in actions related to reproductive or gender-affirming health care services that are legal in this state

The act establishes a cause of action for persons against whom there is an out-of-state judgment based on reproductive and gender-affirming health care services. It also limits the assistance officers of Connecticut courts, public agencies, and specified health care providers may deliver in certain actions related to reproductive or gender-affirming health care services that are legal in this state. With exceptions, the act generally prohibits the following with respect to these actions:

1. court officers from issuing a summons for another state's criminal case or subpoena for an out-of-state civil action or proceeding;
2. public agencies, or individuals acting on their behalf, from providing information or expending resources to support an interstate investigation seeking to impose criminal or civil liability; and
3. certain health care providers, payors, or information processors from disclosing protected information without written consent from a patient or an authorized legal representative.

Under the act, "reproductive health care services" include all medical, surgical, counseling, or referral services related to the human reproductive system, such as pregnancy, contraception, or pregnancy termination. "Gender-affirming health care services" are all medical care related to the treatment of gender dysphoria.
EFFECTIVE DATE: July 1, 2022

Recouperation of Out-of-State Judgments Related to Reproductive or Gender-Affirming Health Care Services (§ 484)

Cause of Action. The act creates a cause of action for persons against whom a judgment was entered in another state based on their allegedly providing or receiving, or helping another person to provide or receive, or providing material support for reproductive or gender-affirming health care services that are legal in Connecticut. For this purpose, a "person" is an individual, partnership, association, limited liability company, or corporation.

The act applies to judgments where the person's liability in the original action was entirely or partially based on these alleged actions or any theory of vicarious, joint, several, or conspiracy liability arising from them. It allows the person to recover damages from any party that (1) brought the original action that resulted in the judgment or (2) tried to enforce it.

Under the act, this cause of action is unavailable if no part of the acts that formed the basis for liability occurred in Connecticut. It is also unavailable when the judgment entered in the other state is based on a claim similar to one that exists under Connecticut law and is a:

1. tort-, contract-, or statutory-based claim brought by a patient, or their authorized legal representative, who received the reproductive or gender-affirming health care services, for damages the patient suffered or from another individual's loss of consortium with the patient; or
2. contract-based claim brought or enforced by someone with a contractual relationship with the person who is subject to the judgment.

Recoverable Damages. Under the act, the court must award a person who successfully brings an action:

1. just damages resulting from the original action (e.g., the amount of the judgment entered in the other state and costs, expenses, and reasonable attorney's fees spent defending the action) and
2. costs, expenses, and reasonable attorney's fees spent bringing the action under the act, as the court allows.

Limits on Compelling Witness Participation in Certain Out-of-State Actions (§§ 486 & 487)

Depositions. By law, judges, justices of the peace, notaries public, and Superior Court commissioners (Connecticut licensed attorneys) may subpoena and compel material witnesses to appear before (i.e., be deposed by) attorneys licensed in other jurisdictions, including for lawsuits in other states (CGS § 52-155). The act, with two exceptions, prohibits them from issuing a subpoena that relates to reproductive or gender-affirming health care services that are legal in Connecticut.

Under the act's two exceptions, these court officers may issue a subpoena if it is for an out-of-state action for which a similar claim would exist under Connecticut law and it is a:

1. tort-, contract-, or statutory-based claim brought by a patient, or their authorized legal representative, who received the reproductive or gender-affirming health care services upon which the original lawsuit was based, for damages the patient suffered or from another individual's loss of consortium with the patient or
2. contract-based claim brought or enforced by someone with a contractual relationship with the person who is subject to the judgment.

Testimony in Criminal Cases. The law allows a Connecticut judge to issue a summons ordering a person located in this state to attend and testify in a criminal prosecution or grand jury investigation in another state, at that other state's request, if the person is a material witness and certain other requirements are met.

The act prohibits Connecticut judges from issuing a summons when the other state's prosecution or investigation is for a violation of its law on providing, receiving, or assisting with reproductive or gender-affirming health care services that are legal in Connecticut. However, it allows a judge to issue a subpoena if the acts being prosecuted or investigated would also constitute an offense in this state.

Limits on Use of Agency Resources (§ 488)

The act generally prohibits Connecticut public agencies, or people acting on their behalf (e.g., employees, appointees, officers, and officials), 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 (1) providing, seeking, receiving, or inquiring about reproductive or gender-affirming health care services that are legal in this state or (2) assisting another person or entity to do so. Specifically, state agencies, and those acting on their behalf, may not expend or use time, money, facilities, property, equipment, personnel, or other resources for these purposes. These prohibitions do not apply to investigations or proceedings if the conduct at issue would be subject to liability under Connecticut's laws if committed here.

Under the act, a "public agency" is any (1) state or local governmental agency, department, institution, bureau, board, or commission, including any executive, administrative, or legislative office, and the administrative functions of any judicial office, including the Division of Public Defender Services or (2) entity that is the functional equivalent of these agencies.

Prohibited Patient Information Disclosures (§ 485)

The act prohibits, with exceptions, certain covered entities that provide health care, payments, or billing services from disclosing specified information in a civil action, or a preliminary proceeding before a civil action, or a probate, legislative, or administrative proceeding. "Covered entities" are health care plans or payors; health care clearinghouses; and health care providers that electronically transmit health information pursuant to Health Insurance Portability and Accountability Act regulations (45 C.F.R. § 160.103).

Without explicit written consent from the patient or patient's legal representative (e.g., conservator or guardian), the act prohibits disclosing the following about reproductive or gender-affirming health care services that are legal under Connecticut law:

1. communications made to a covered entity or obtained by it from a patient or the patient's legal representative or
2. information from a physical examination of the patient.

It requires covered entities to inform patients or their legal representatives of the patient's right to withhold consent for these disclosures.

Exceptions. Under the act, a covered entity does not have to obtain written consent to disclose communications or information:

1. pursuant to state law or judicial branch court rules;
2. to their attorney or professional liability insurer or agent to defend against a claim, or one that is reasonably believed to occur, against the covered entity;
3. to the public health commissioner if the disclosure is for a patient's records that are related to a complaint investigation; or
4. about the abuse of a child, elderly person, incompetent person, or person with a mental or physical disability if it is known or suspected in good faith.

The act does not impede sharing medical records if state or federal laws or the judicial branch's court rules allow them to be shared, except for subpoenas to produce, copy, or inspect records relating to reproductive or gender-affirming health care services. Additionally, it does not replace existing law's disclosure requirements for communications or records, as applicable:

1. between an individual and psychologist, psychiatric mental health provider, domestic violence or sexual assault counselor, marital and family therapist, or professional counselor;
2. disclosed by a mental health facility for approved research purposes;
3. to the DMHAS commissioner by facilities or individuals under contract with DMHAS;
4. relating to a social worker's evaluation or treatment; or
5. by a physician, surgeon, or other licensed health care provider in a civil action (including a related preliminary proceeding), or a probate, legislative, or administrative proceeding.

Background — Related Act

PA 22-19, §§ 2-4 & 6, is identical to these provisions with respect to reproductive health care services; however, it does not cover gender-affirming health care services. But PA 22-118, § 195, amended PA 22-19's definition of "reproductive health care services" to include medical care relating to gender dysphoria treatments (which are included in this act's definition of "gender-affirming health care services" and covered under this act, as well (§ 484)).

§ 489 — PROVIDERS AUTHORIZED TO PERFORM ABORTIONS

Allows APRNs, nurse-midwives, and PAs to perform aspiration abortions; explicitly authorizes these providers to perform medication abortions, conforming to a 2001 attorney general opinion; makes related changes

The act allows advanced practice registered nurses (APRNs), nurse-midwives, and physician assistants (PAs) to perform aspiration abortions. The act also explicitly authorizes these providers to perform medication abortions, which conforms to existing practice resulting from a 2001 attorney general opinion. It specifies that these providers may perform either type of abortion in accordance with their respective licensing statutes (see *Background*).

The act correspondingly specifies that the decision to terminate a pregnancy before the viability of the fetus must be made solely by that patient in consultation with the patient's physician, APRN, nurse-midwife, or PA, not just the patient and physician as under prior law.

Under the act, as under existing law, physicians may perform any type of abortion. Existing law, unchanged by the act, prohibits an abortion from being performed after the viability of the fetus except when needed to preserve the pregnant patient's life or health.

The act also makes technical changes to terminology.

(These provisions are identical to PA 22-19, § 7.)

EFFECTIVE DATE: July 1, 2022

Background — Attorney General Opinion on Medical Abortions

Existing state regulations expressly allow only physicians to perform abortions (Conn. Agencies Regs., § 19-13-D54(a)). However, a 2001 Connecticut's attorney general opinion (2001-15) concluded that this restriction only applied to surgical abortions and that state statutes allowing APRNs, nurse-midwives, and PAs to prescribe drugs authorized them, under certain conditions, to dispense or administer a drug that would medically terminate a pregnancy.

Background — APRNs, Nurse-Midwives, and PAs

For each of these professions, the existing licensing statutes establish, among other things, certain required relationships with other providers.

APRNs must practice in collaboration with a physician for the first three years after becoming licensed in the state. They may practice without this collaboration if they have been licensed and practicing in collaboration with a physician for at least three years with at least 2,000 hours of practice (CGS § 20-87a).

Nurse-midwives must practice within a health care system. They must have clinical relationships with obstetricians-gynecologists that provide for consultation, collaborative management, or referral, as indicated by the patient's health status (CGS § 20-86b).

Each PA must have a clearly identified supervising physician who has final responsibility for patient care and the PA's performance. The functions a physician delegates to a PA must be implemented in accordance with a written delegation agreement between them (CGS §§ 20-12c & -12d).

§ 490 — ARPA FUNDS FOR SCHOOL-BASED HEALTH CENTERS

Specifies the allocation of ARPA funding for four school-based health centers

The act specifies that its ARPA funding allocation to DPH for ICHC school-based health centers (SBHCs) (see § 10) must be distributed as grants to four SBHCs in East Hartford. The funding must be distributed as follows:

1. to the operators of the SBHCs at Synergy Alternative High School and Langford Elementary School to expand hours for the provision of primary care and behavioral health services and
2. for the establishment of new SBHCs at Woodland School and Sunset Ridge Middle School that will provide primary care and behavioral health services.

EFFECTIVE DATE: July 1, 2022

§ 491 — MINIMUM BUDGET REQUIREMENT (MBR) EXEMPTION

Exempts Stratford's school board from the MBR in FY 23

The MBR prohibits, with some exceptions, towns from budgeting less for education than they did in the previous fiscal year, plus any increase in their equalization aid grant (i.e., ECS grant). The act exempts Stratford's board of education from the MBR in FY 23.

EFFECTIVE DATE: Upon passage

§ 492 — SCHOOL CONSTRUCTION MINIMUM REIMBURSEMENT RATES FOR CERTAIN TOWNS

Creates a minimum school construction reimbursement grant rate for certain towns

The act sets minimum school construction reimbursement grant rates of (1) 60% for towns with a population of 80,000 or more and (2) 50% for the town of Cheshire. (The act does not specify a population measure.) Under the act, if a town's standard reimbursement rate exceeds the minimum, then it receives the standard rate calculated by the DAS commissioner under existing law (see below). The minimum rates apply to applications submitted from June 1, 2022, until July 1, 2047. (PA 22-146, §§ 13 & 32, repeals this section and replaces it with the same language with a technical correction.)

Under the school construction law, the administrative services commissioner ranks each town based on its property wealth (using the adjusted equalized net grand list per capita) and uses the rankings to determine the reimbursement grant percentage rate for each town. Towns with less property wealth receive a larger reimbursement percentage, and towns with greater property wealth receive a smaller one. For renovation projects towns receive percentages between 20%and 80%, and for new construction they receive between 10% and 70%.

Based on DPH population data, there are seven towns with populations of 80,000 or more shown in the table below with their reimbursement rates.

Towns With Populations of 80,000 or More and Their School Construction Reimbursement Rates*

Town	*Existing Law (unchanged by the act)*		*Minimum Rate Under the Act (applies only if regular rate is lower)*
	*New Construction***	*Renovation***	
Bridgeport	68.57%	78.57%	60%
Danbury	53.21	63.21	60
Hartford	70.00	80.00	60
New Haven	67.50	77.50	60
Norwalk	23.21	33.21	60
Stamford	19.29	29.29	60
Waterbury	68.93	78.93	60

*2020 state DPH population numbers.
**2020 DAS reimbursement rates.

Under prior law, Cheshire's 2020 reimbursement rate is 35.72% for new construction and 45.72% for renovations. Under the act, its rate increases to 50%.

EFFECTIVE DATE: June 1, 2022

§§ 493-496 — CHILDHOOD IMMUNIZATION REGISTRY AND TRACKING SYSTEM

Replaces DPH's childhood immunization registry and tracking system ("CIRTS") with an immunization information system ("CT WiZ") that provides access to a person's own immunization records to all recipients, instead of only children under age six

The act replaces DPH's childhood immunization registry and tracking system ("CIRTS") with an immunization information system ("CT WiZ") that provides vaccine recipients of all ages, instead of only children under age six, with access to their immunization records.

The act requires, rather than allows, DPH to maintain the system. Similar to prior law, it requires the system to include information to accurately identify a vaccine recipient and assess the recipient's current immunization status.

Under the act, vaccine recipients' participation in CT WiZ is voluntary, and health care providers must provide a vaccine recipient, or the recipient's legal guardian, conservator, or parent or guardian (if a minor) (hereafter "recipient's representative"), information on how to opt out of enrolling in the system.

As under prior law, all personal information in CT WiZ is confidential and cannot be disclosed without the consent of the vaccine recipient or the recipient's representative, except as otherwise specified by law.

The act also requires CT WiZ to comply with the federal Centers for Disease Control and Prevention's Immunization Information System Functional Standards.

Under the act, healthcare providers:

1. must order vaccines through CT WiZ when administering vaccines to children under the Connecticut Vaccine Program (see *Background* below);
2. must report to DPH certain information regarding the vaccine administration when they administer vaccines to residents; and
3. may use CT WiZ to access a person's current immunization status to (a) determine whether the person requires immunizations or (b) officially document the person's immunization status to meet childcare, school, or higher education immunization entry requirements.

The act also imposes various requirements on CT WiZ and authorizes DPH to take specified actions, as follows:

1. DPH must, upon request, provide a vaccine recipient, or the recipient's representative, access to any information a health care provider gives to CT WiZ on the recipient's vaccine status;
2. DPH must, in consultation with OHS, facilitate interoperability between CT WiZ and the Statewide Health Information Exchange;
3. DPH must provide local and district health directors with sufficient information on residents who live in their

jurisdiction and are listed in CT WiZ in order to address under-vaccinated communities and improve health equity;
4. the DPH commissioner may use information in CT WiZ for medical or scientific research, disease control and prevention, and maintaining the state's list of reportable diseases, emergency illnesses and health conditions, and lab findings; and
5. DPH may exchange information in CT WiZ with federal agencies providing health care services and other states' immunization information systems.

The act also makes various related minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2022

Health Care Provider Definition

Under the act, a health care provider is someone who:
1. is a physician, physician assistant, nurse midwife, advanced practice registered nurse, registered nurse, pharmacist, or an individual authorized by state or federal law to administer a vaccine and
2. has direct or supervisory responsibility for administering a vaccine or assessing a person's immunization status.

Reporting Requirements

The act requires each health care provider who administers a vaccine to a resident to report, in a way the DPH commissioner prescribes, the following information:
1. the vaccine recipient's name and date of birth;
2. the name and date of each vaccine dose administered to the recipient;
3. any other information the commissioner deems necessary; and
4. when appropriate, contraindications or exemptions to administering each vaccine dose.

Interoperability With the Statewide Health Information Exchange

The act requires the DPH commissioner, in consultation with OHS, to adopt regulations to facilitate interoperability between the immunization information system and the Statewide Health Information Exchange. It allows the commissioner to implement necessary policies and procedures while adopting regulations, as long as she posts the policies and procedures on the eRegulations System before adopting them. The policies and procedures she implements are valid until the regulations are adopted.

Background — Connecticut Vaccine Program

The Connecticut Vaccine Program is a state and federally funded program that provides certain childhood vaccinations at no cost to health care providers. The state-funded component is funded by an assessment on certain health insurers and third-party administrators.

§§ 497-509 — MOTOR VEHICLE ASSESSMENTS

Changes motor vehicle property tax assessment laws, principally to (1) exempt certain snowmobiles, all-terrain vehicles, and utility trailers; (2) value motor vehicles based on the manufacturer's suggested retail price (MSRP) and a 20-year depreciation schedule; (3) increase the frequency with which DMV must provide motor vehicle registration information to municipalities; (4) modify the timeline for supplemental property taxes on vehicles registered after the start of the assessment year; (5) give taxpayers more time to claim a property tax credit for motor vehicles that were stolen, sold, totaled, or moved out of state; and (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

The act makes numerous changes in motor vehicle property tax and assessment laws. Beginning in the 2023 assessment year, the act:
1. exempts from property tax snowmobiles, all-terrain vehicles, and utility trailers used exclusively for personal purposes;
2. requires municipalities to value motor vehicles based on their MSRP and a 20-year depreciation schedule, rather than the schedule of values annually recommended by OPM;
3. increases the frequency with which the Department of Motor Vehicles (DMV) must provide motor vehicle

registration information to municipalities;
4. modifies the timeline for supplemental property taxes due on motor vehicles registered after each assessment year starts and extends the supplemental tax bill requirement to vehicles registered in August and September of each assessment year;
5. extends 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. requires taxpayers to include on personal property declarations motor vehicles that are included in a schedule of motor vehicle plate classes established by OPM; and
7. prohibits DMV from issuing a vehicle registration or renewal to anyone who owes property taxes on any taxable motor vehicle, rather than only registered vehicles.

The act also eliminates a provision requiring municipalities to issue a validation sticker showing property taxes have been paid on certain commercial motor vehicles used for construction, paving, or other similar purposes and makes other conforming and technical changes.

EFFECTIVE DATE: July 1, 2022, and applicable to assessment years beginning October 1, 2023, except the provision on motor vehicle valuations and two sections making conforming changes are effective July 1, 2022, irrespective of the assessment year.

Motor Vehicle Valuations

Schedule of Values. Prior law required the OPM secretary to annually recommend a schedule of motor vehicle values based on their average retail price. (In practice, OPM generally recommended the National Automobile Dealers Association's appraisal guides.) Municipalities had to use this schedule when determining a motor vehicle's value for property tax purposes unless the vehicle was not listed in the schedule. For unlisted vehicles (e.g., older or modified vehicles), the assessor was generally responsible for determining their values.

The act instead requires vehicles to be valued as a percentage of their MSRP, based on a 20-year depreciation schedule, as shown in the table below. Under the act, vehicles that are at least 20 years-old must be valued at no less than $500.

Motor Vehicle Valuations Under the Act

Vehicle Age (in years)	*% of MSRP*	*Vehicle Age (in years)*	*% of MSRP*
Up to 1	80	9	40
2	75	10	35
3	70	11	30
4	65	12	25
5	60	13	20
6	55	14	15
7	50	15-19	10
8	45	20+	≥ $500

Under the act, assessors must determine the value of vehicles for which the MSRP is unavailable in consultation with the Connecticut Association of Assessing Officers (CAAO).

Vehicle Types Subject to the Valuation Method. The act requires municipalities to value motor vehicles added to its grand list (see below) using the MSRP and depreciation schedule. These vehicles are those registered and classified in OPM's plate class schedule (see below) or unregistered or unusable and located in the state.

The act also applies the valuation method to certain commercial trucks, truck tractors, and tractors and semitrailers used exclusively to transport freight for hire. Under the prior law, assessors valued these vehicles based on their purchase cost and any costs related to modifications, adjusted for depreciation.

DMV Registered Vehicle Report to Municipalities

DMV Annual Report of Motor Vehicles Taxable in the Municipality. Under prior law, the DMV commissioner annually reported to each municipal tax assessor the motor vehicles and snowmobiles that were registered in the municipality. (In

practice, this list covered all of the vehicles registered in each town on October 1, the start of the assessment year.) The list included the owners' names and addresses and each vehicle's identification number.

The act moves up the date by which DMV must annually provide the report, from December 1 to November 1, and requires the report to also include the MSRP for each vehicle for which it is available. The act also removes the reporting requirement for snowmobiles, which the act exempts from the property tax.

Supplemental List of Taxable Motor Vehicles. By law, DMV must also provide tax assessors with a supplemental report that lists taxable motor vehicles registered after October 1 (i.e., those not included on the annual report). Prior law required DMV to provide this report annually by October 1 and include vehicles registered between October 2 and July 31 of the prior year.

Under the act, DMV must instead provide the supplemental list monthly, beginning by November 15. Each report must identify motor vehicles registered during the prior month and taxable in each municipality.

Under existing law and the act, the supplemental list must include all the same information provided in the annual report (e.g., each vehicle's identification number) as well as a code indicating the date each vehicle was registered.

Supplemental Motor Vehicle Tax Bills and Credits

The act generally advances the tax payment date for vehicles registered after the annual October 1 assessment date but before April 1.

By law, property taxes on motor vehicles registered as of October 1 are due the following July 1. Under prior law, property taxes for vehicles registered after the assessment date (between October 2 and July 31) were due the following January 1 in a supplemental tax bill. The taxes due for vehicles registered from November 1 through July 31 were prorated based on the vehicle's registration date. Vehicles registered from August 1 to September 30, however, were exempt from property tax for the remainder of the assessment year in which they were registered.

The act makes property taxes on motor vehicles registered between (1) October 2 and March 31 due on July 1 of same assessment year and (2) April 1 and September 30 due January 1 of the next assessment year. In doing so, the act subjects vehicles registered in August or September to tax for those months.

As under prior law, the taxes due for vehicles registered between October 1 and October 31 of the assessment year are not prorated. Under the act, taxes due for vehicles registered from November 1 through September 30 are prorated according to the same formula that applied under prior law to vehicles registered from November 1 through July 31. As under prior law, by vote of their legislative bodies, municipalities may opt to prorate the taxes on a daily, rather than monthly basis.

Replacement Vehicles. The act similarly changes the supplemental billing schedule for replacement vehicles (i.e., vehicles that, after the start of the assessment year, replace a taxpayer's registered vehicle that is sold, stolen, or had an unexpired registration that is transferred to the replacement vehicle).

Under prior law, supplemental property taxes on replacement vehicles acquired between October 2 and July 31 were due January 1 of the next assessment year. Under the act, supplemental property taxes on replacement vehicles acquired between October 2 and March 31 are due July 1 of the same assessment year, and those on replacement vehicles acquired between April 1 and September 30 are due January 1 of the next assessment year.

The act makes a conforming change by subjecting the taxes due for replacement vehicles registered between November 1 and September 30 to proration, rather than just those registered between November 1 and July 31.

Temporarily Registered Commercial Vehicles. Under existing law, property taxes on temporarily registered commercial motor vehicles that were not permanently registered or added to any town's grand list are due on January 1 during the next assessment year. The act makes these property taxes due according to the same timeframes described above for replacement vehicles (i.e., July 1 of the same assessment year for vehicles registered between October and March 31, and January 1 of the next assessment year for vehicles registered between April 1 and September 30). As under prior law, the taxes due for these vehicles are not prorated.

Property Tax Credit for Stolen, Sold, Removed, or Totaled Vehicles. The act extends the period during which taxpayers may claim a pro rata credit against their property taxes for motor vehicles that were sold, totaled, stolen, or removed from this state and registered in another state to which the taxpayer moved.

Under prior law, the taxpayer must have claimed the credit by the December 31 following the first full assessment year after the assessment year in which the event occurred (e.g., if a theft occurred November 1, 2022, the taxpayer must have claimed the credit by December 31, 2024). The act instead requires the taxpayer to claim the credit within three years after the vehicle's tax bill was due.

Under both prior law and the act, taxpayers waive their right to the credit if they fail to submit a claim within the allowable period.

Personal Property Declarations

By law, taxpayers that own taxable personal property must annually file with the assessor a personal property declaration listing this property. The act makes several changes to this law.

OPM-Recommended Plate Classes. Beginning by October 1, 2023, the act requires the OPM secretary to annually recommend a schedule of motor vehicle plate classes, in consultation with CAAO. It requires municipal assessors to use the schedule to determine the classification of motor vehicles for property tax purposes.

The act makes motor vehicles listed on the schedule (1) personal property that must be listed in taxpayers' personal property declarations and (2) valued in the same way as other motor vehicles, as described above, for property tax purposes.

Expanded Types of Personal Property That Must Be Declared. The act expands the types of personal property that taxpayers must include in their personal property declarations. Prior law generally required taxpayers to exclude motor vehicles that were registered with DMV from their personal property declarations. (These motor vehicles are reported to assessors on the annual and supplemental reports provided by DMV.) The act instead requires taxpayers to include any motor vehicles they own that are listed on OPM's schedule of motor vehicle plate classes, as described above.

Under the act, any person who must file a personal property declaration must include motor vehicles that are (1) registered in the town and included on OPM's schedule of motor vehicle plate classes or (2) unregistered or incapable of being used and located in the town. The act also allows filers' declarations to include vehicles that are taxable in a town other than the town they are registered in with DMV. The act specifies that these motor vehicles are valued and prorated in the same way as other motor vehicles under the act (i.e., based on the MSRP and depreciated according to a schedule).

After the declaration filing deadline (November 1, annually), the act requires the assessor to add to a taxpayer's existing declaration, or to a new one if one does not exist, any motor vehicle the assessor determines is personal property as defined under the act. Generally, under existing law, property a filer wrongly excluded from their declaration is considered "omitted property" and subject to a penalty. But under the act, the value of a motor vehicle for the current assessment year is not considered omitted property or subject to the penalty.

Commercial or financial information included in a declaration could not be made public under prior law. The act provides an exception, allowing this information to be made public if it concerns motor vehicles.

Property Wrongly Omitted From a Declaration. By law, municipal assessors must add to a filer's declaration any taxable property that they believe the filer owns but omitted from the declaration. The assessor must also add a 25% penalty to the added property's assessed value.

Under the act, omitted property includes the MSRP of a vehicle and any after-market alterations to the vehicle. (Presumably, this means that filers must include after-market alterations in their declarations.) As described above, under the act, a motor vehicle's value in the current assessment year is not considered omitted property and is not subject to the penalty.

Declaration Filing Form. The act requires OPM, rather than each municipality's assessor as prior law required, to create the form that taxpayers must use to file their annual personal property declarations. OPM must do this in consultation with CAAO.

Listing Motor Vehicles on Municipal Grand Lists

Situs Rule. Under prior law, any registered or unregistered motor vehicle (including a snowmobile) that most frequently left from and returned to, or remained in, a Connecticut town was subject to property tax in this state, regardless of whether the vehicle worked or was used. Under the "situs rule" a registered motor vehicle is taxable, and added to the grand list, by the town the vehicle most frequently leaves from and returns to or remains in. The law presumes this town is the same town in which the owner resides or has an established business site, as applicable, and sets out rules for determining which town should add a vehicle when its owner lives in more than one town or out of state.

The act generally retains the prior law's situs rule and expands it to cover unregistered vehicles, as well as registered ones. It specifies that municipalities must include in their grand list (1) registered motor vehicles, (2) motor vehicles that are registered and classified in OPM's plate class schedule, and (3) unregistered or unusable motor vehicles that are located in the state.

Vehicles Taxable in a Town Other than the Listing Town. Under prior law, if a motor vehicle (or snowmobile) was registered in one town but taxable in another, the assessor of the town in which the vehicle was taxable (the "taxing assessor") had to notify the assessor of the town in which was is registered (the "listing assessor"). The taxing assessor had to provide the listing assessor with the vehicle owner's name and address, the vehicle's identification number, and the town it was taxable in. The law required the taxing assessor and registered assessor to cooperate in listing the vehicle for property tax purposes.

Under the act, if a motor vehicle is listed in one town but taxable in another, the listing assessor must notify the listing assessor and provide the same information prior law required. (Presumably, this means the taxing assessor must notify the listing assessor, not that the listing assessor must notify him or herself.) It requires the assessor of the town in which the vehicle is registered and the listing assessor to cooperate in listing the vehicle for property tax purposes. (Presumably this means the listing assessor and taxing assessor.)

DMV Enforcement of Unpaid Property Taxes

The act expands the DMV's authority over unpaid property taxes to cover both registered and unregistered vehicles, rather than only registered vehicles.

Prior law prohibited DMV from issuing a registration to anyone who a municipality reported as owing property taxes on a registered snowmobile or motor vehicle. DMV could also, among other things, (1) collect the unpaid property taxes owed on the registered motor vehicle, if DMV entered an agreement with the municipality, OPM secretary, and state treasurer to do so, and (2) immediately suspend or cancel the registrations of all vehicles registered to the reported delinquent taxpayer if the registration was granted due to error, false evidence, or a dishonored check.

The act instead requires municipalities to report to DMV delinquent property taxes on all motor vehicles, regardless of whether the vehicle is listed on the grand list as a registered vehicle or personal property (e.g., an unregistered and unusable vehicle). It also allows DMV to collect delinquent property taxes on all motor vehicles, rather than only those that are registered, if it has entered an agreement to do so.

Existing law and the act provide an exception for licensed leasing or rental firms and private owners of three or more paratransit vehicles, allowing DMV to continue to register specified vehicles they own under certain circumstances even when property taxes are owed.

§§ 510-512 — BOWLING ESTABLISHMENT PERMITS

Makes minor, technical, and conforming changes to replace references to obsolete permits that no longer exist (e.g., bowling establishment permits) with references to the recently restructured club and nonprofit club permits

The act makes minor, technical, and conforming changes to replace references to obsolete permits that no longer exist (e.g., bowling establishment permits) with references to the recently restructured club and nonprofit club permits.
EFFECTIVE DATE: Upon passage

§ 517 — STATE CONTRACTING STANDARDS BOARD LAPSE REPEAL

Repeals a 2021 implementer provision requiring a partial lapse of SCSB's FY 23 appropriation

The act repeals a 2021 biennial budget implementer provision requiring that $454,355 of the State Contracting Standards Board's (SCSB) FY 23 appropriation lapse on July 1, 2022 (PA 21-2, June Special Session, § 201). (The 2021 biennial budget act (SA 21-15) appropriated $637,029 to SCSB in FY 23.)

The 2021 implementer also required that $449,124 of SCSB's FY 22 appropriation lapse on July 1, 2021.
EFFECTIVE DATE: Upon passage

PA 22-57—sHB 5313
Aging Committee
Public Health Committee

AN ACT CONCERNING TEMPORARY NURSING SERVICES AGENCIES, REPORTING OF INVOLUNTARY TRANSFERS AND DISCHARGES FROM NURSING HOMES AND RESIDENTIAL CARE HOMES, ELDER ABUSE TRAINING, LEGAL RIGHTS OF LONG-TERM CARE APPLICANTS AND A STUDY OF MANAGED RESIDENTIAL COMMUNITY ISSUES

SUMMARY: This act makes various unrelated changes in state laws affecting long-term care facilities and services. Principally, it does the following:

1. repeals prior statutes on nursing pools and replaces them with provisions for "temporary nursing services agencies" with the same requirements (§§ 1-8 & 15);
2. requires the Department of Public Health (DPH) commissioner, by October 1, 2022, to establish an annual registration system for these agencies and authorizes her to charge an annual registration fee of up to $750 (§ 1);
3. requires the Department of Social Services (DSS) commissioner to evaluate rates these agencies charge nursing homes and report her recommendations to the Aging, Human Services, and Public Health committees by October 1, 2023 (§ 4);
4. requires nursing homes and residential care homes (RCHs) to electronically report each involuntary discharge or transfer to the long-term care ombudsman and on a website she maintains (§§ 9 & 10);
5. requires the long-term care ombudsman to convene a working group to study specified issues involving managed residential communities (MRCs) that are not affiliated with continuing care retirement communities (§ 11);
6. generally requires mandated elder abuse reporters to complete the DSS elder abuse training program, or another DSS-approved program, by December 31, 2022, or within 90 days after becoming a mandated elder abuse reporter (§§ 12 & 13); and
7. requires DSS to (a) develop an advisory for Medicaid long-term care and home care applicants on their right to seek legal assistance, (b) post the advisory on its website by July 1, 2022, and (c) include the advisory in its applications by September 1, 2023 (§ 14).

EFFECTIVE DATE: Upon passage, except that provisions on (1) temporary nursing services agencies and (2) electronically reporting nursing home involuntary transfers and discharges take effect July 1, 2022.

§§ 1-8 & 15 — TEMPORARY NURSING SERVICES AGENCIES

The act repeals prior statutes on nursing pools and replaces them with provisions for "temporary nursing services agencies" with the same requirements. Under the act, these agencies provide temporary nursing services to nursing homes, residential care homes, and hospitals on a per diem or temporary basis.

It requires the DPH commissioner, by October 1, 2022, to establish an annual registration system for these agencies and authorizes her to charge an annual registration fee of up to $750. Starting by January 1, 2023, it prohibits temporary nursing services agencies from providing services in the state unless they obtain DPH registration.

The act also makes related technical and conforming changes, replacing references to nursing pools with temporary nursing services agencies in various statutes (§§ 5-8).

Definitions (§ 1)

"Nursing personnel" means advanced practice registered nurses, licensed practical nurses and registered nurses (including those issued temporary permits), and nurse's aides.

A "temporary nursing services agency" is any person, firm, corporation, limited liability company, partnership, or association that is hired to provide temporary nursing services to health care facilities. It excludes individuals who offer only their own temporary nursing services.

Agency Requirements (§ 1)

The act requires the DPH commissioner to establish requirements for temporary nursing services agencies, including minimum qualifications for nursing personnel the agencies provide to health care facilities.

Annual Cost Reports (§ 1)

Starting July 1, 2023, the act requires temporary nursing services agencies to submit to the DPH commissioner annual cost reports in a manner the commissioner determines, in consultation with the DSS commissioner.

Under the act, the cost reports must include the (1) agency's itemized revenues and costs; (2) average number of nursing personnel the agency employs; (3) average fees the agencies charge by type of nursing personnel and health care facility; (4) nursing personnel's state of permanent residence, aggregated by the type of nursing personnel; and (5) any other information the DPH commissioner requires.

The act also requires agencies to make available to DPH, upon request, records, books, reports, and other data related to their operation. Records that agencies provide are not subject to disclosure under the Freedom of Information Act.

Regulations (§ 1)

The act permits the DPH commissioner to adopt regulations to implement the act's requirements. She may also adopt implementing policies and procedures while in the process of adopting the regulations, so long as she posts her intent to adopt regulations in the eRegulations System within 20 days after adopting the policies and procedures.

Written Agreements (§ 2)

As under prior law for nursing pools, the act requires temporary nursing services agencies to enter into a written agreement with a health care facility that ensures that the assigned nursing personnel have appropriate credentials. The agreement must be on file at both the agency and facility within 14 days after the nursing personnel's assignment. The act subjects health care facilities that fail to do so to DPH disciplinary action (e.g., probation, letter of reprimand, or license suspension), as under prior law for nursing pools.

The act exempts from the written agreement requirement a health care facility or its subsidiary that supplies temporary nursing services only to its own facility without charge.

Appeals (§ 3)

As under prior law for nursing pools, the act permits a person aggrieved by a temporary nursing services agency to petition the Superior Court for the judicial district where the agency's services were provided. The aggrieved person may seek relief, including temporary and permanent injunctions, or bring a civil action for damages.

Civil Penalties (§ 3)

As under prior law for nursing pools, the act authorizes the court to assess a civil penalty of up to $300 per violation against a temporary nursing services agency that violates the act's provisions. It specifies that each violation is a separate and distinct offense, and, in the case of a continuing violation, each day it continues is a separate and distinct offense.

It also allows the DPH commissioner to request the attorney general to bring a civil action in the Hartford Superior Court for injunctive relief to restrain any further violation. The Superior Court may grant the relief after a notice and hearing.

Agency Rates (§ 4)

The act requires the DSS commissioner, in consultation with the DPH commissioner, to evaluate temporary nursing services agency rates charged to nursing homes to determine whether changes are needed in regulating these rates to ensure nursing homes have adequate personnel.

Under the act, the DSS commissioner must report to the Aging, Human Services, and Public Health committees by October 1, 2023, on her recommendations, which must be based on agency cost reports submitted to DPH (see § 1). The report may include (1) any changes needed in regulating agency rates and (2) how best to ensure, within available appropriations, that nursing homes are able to maintain adequate nursing personnel during a declared public health emergency.

§§ 9 & 10 — ELECTRONIC REPORTING OF INVOLUNTARY TRANSFERS OR DISCHARGES IN NURSING HOMES AND RCHS

The act requires nursing homes and RCHs to electronically report each involuntary discharge or transfer (1) to the

long-term care ombudsman in a manner she prescribes and (2) on a website the ombudsman maintains in accordance with federal HIPAA privacy protections.

Under the act, RCHs must begin reporting this information within six months after the act's passage. (In practice, nursing homes already do this.)

By law, a nursing home or RCH may involuntarily transfer or discharge a resident only if 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 individuals in the facility are endangered, (4) resident failed to pay for care after reasonable notice, or (5) facility closes. Residents and their representatives must be notified in writing of the discharge at least 30 days in advance (CGS §§ 19a-535 & 535a). Federal law also requires nursing homes to give the long-term care ombudsman a copy of the notice (42 C.F.R. § 483.15 (c)(3)(i)).

§ 11 — WORKING GROUP ON MANAGED RESIDENTIAL COMMUNITIES

The act requires the long-term care ombudsman to appoint and convene a working group of up to eight members to study certain issues involving MRCs that are not affiliated with a facility providing services to continuing care retirement communities. Specifically, the working group must study (1) what notice MRCs should provide residents about rent and other fee increases that exceed certain percentages and (2) resident health transitions and determinations of care levels.

Membership

Under the act, working group members must at least include:

1. the long-term care ombudsman, or her designee, and
2. representatives from the Connecticut Assisted Living Association, Connecticut Association of Health Care Facilities/Connecticut Center for Assisted Living, and LeadingAge Connecticut (so long as these members are willing and able to serve).

The working group chairpersons are (1) the long-term care ombudsman, or her designee, and (2) another chairperson selected by the working group from among its members.

Meetings and Staff

The act requires the long-term care ombudsman to schedule the working group's first meeting by July 22, 2022. The Aging Committee's administrative staff also serve in this capacity for the working group.

Report

The act requires the working group to submit its findings and recommendations to the Aging Committee by December 31, 2022. The working group terminates on this date or when it submits its report, whichever is later.

§§ 12 & 13 — ELDER ABUSE REPORTER TRAINING

The act generally requires mandated elder abuse reporters to complete the DSS elder abuse training program, or another DSS-approved program, by December 31, 2022, or within 90 days after becoming a mandated elder abuse reporter (see BACKGROUND). The requirement does not apply to any reporter who has already received the training from an entity that must provide the training to its employees. By law, any institution, organization, agency, or facility that employs people to care for seniors age 60 and older must (1) provide mandatory training on detecting potential elder abuse and (2) inform employees of their obligation to report such incidences.

By law, the DSS commissioner must develop a training program on identifying and reporting elder abuse, neglect, exploitation, and abandonment and make the program available on the department's website and in-person or otherwise throughout the state.

§ 14 — ADVISORY FOR MEDICAID APPLICANTS

The act requires DSS to develop an advisory for Medicaid long-term care (LTC) and home care applicants on their right to seek legal assistance. At a minimum, it must state that while applicants are not required to use an attorney, obtaining legal advice before completing their application may help protect their finances and rights.

Under the act, DSS must post the advisory on its website by July 1, 2022, and include the advisory in its applications

by September 1, 2023.

BACKGROUND

Mandated Elder Abuse Reporters

Existing law requires doctors, nurses, LTC facility administrators and staff, other health care personnel, and certain other professionals to report suspected abuse, neglect, abandonment, or exploitation of the elderly and LTC facility residents to DSS within 72 hours of suspecting the abuse or face penalties. They must also report to the department if they suspect an elderly person needs protective services (CGS §§ 17a-412 & 17b-451).

PA 22-121—SB 173
Aging Committee

AN ACT CONCERNING A STUDY OF THE COST AND FEASIBILITY OF PERMITTING THE COMMUNITY SPOUSE OF AN INSTITUTIONALIZED MEDICAID RECIPIENT TO RETAIN THE MAXIMUM AMOUNT OF ALLOWABLE ASSETS

SUMMARY: This act requires the social services commissioner to study the cost and feasibility of allowing the spouse of a Medicaid beneficiary living in a medical institution or long-term care facility (e.g., nursing home) to retain the maximum amount of assets allowed under federal Medicaid law (i.e., the "community spouse protected amount" (CSPA)). The commissioner must report her findings to the Aging and Appropriations committees by January 1, 2023.

State law currently allows the spouse to keep the greater of (1) $50,000 or (2) half of the couple's combined assets, up to the federal maximum CSPA ($137,400 in 2022). (PA 22-118 (§ 235) increases the state minimum CSPA from the federal minimum ($27,480 in 2022) to $50,000.)
EFFECTIVE DATE: Upon passage

PA 22-131—SB 404
Appropriations Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO STATUTES AFFECTING APPROPRIATIONS

SUMMARY: This act makes technical changes to statutes affecting the regional planning incentive account, Connecticut Baby Bond Trust, and the Teachers' Retirement System.
EFFECTIVE DATE: October 1, 2022

PA 22-146—sSB 9
Appropriations Committee

AN ACT CONCERNING ADDITIONAL ADJUSTMENTS TO THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023, A COMMUNITY OMBUDSMAN PROGRAM, CERTAIN MUNICIPAL-RELATED PROVISIONS, SCHOOL BUILDING PROJECT GRANTS AND HIGH-DEDUCTIBLE HEALTH PLANS

TABLE OF CONTENTS:

Authorizes a local option waiver of delinquent property tax interest accrued during specified periods by certain federally tax-exempt social or recreational clubs

§ 10 — PROPERTY TAX ASSESSMENT OF CRDA APARTMENT PROPERTY

Requires Hartford to assess all CRDA apartments in the city as residential, rather than apartment, property

§§ 11 & 12 — TECHNICAL CHANGES

Makes technical corrections to references to the Schaghticoke Tribe in the FY 22-23 budget adjustment and implementer act

§§ 13 & 32 — SCHOOL CONSTRUCTION TECHNICAL CHANGE TO BUDGET IMPLEMENTER

Makes a technical change to a school construction grant reimbursement provision in the budget and implementer act

§§ 14 & 27 — PAYMENTS TO VOLUNTEER FIRE COMPANIES

Requires the state, within available appropriations, to pay volunteer fire companies $500 for each call they respond to on designated highways

§§ 15 & 30 — PROHIBITION ON STATE AGENCY RECOVERY OF FEDERAL FUNDS FOR HOME- AND COMMUNITY-BASED PROVIDERS

Repeals and replaces provisions in the FY 22-23 budget and implementer act that prohibit state agencies from recovering certain federal funds from health and human services providers and additionally specifies that the prohibition does not require state agencies to take action that would jeopardize federal claims or Medicaid reimbursements

§§ 16 & 18 — RESERVED AMOUNTS FROM LINE-ITEM APPROPRIATIONS

Reserves certain amounts from line items in agency budgets for specified purposes in FY 23

§ 19 — PROPERTY APPRAISAL REQUIREMENT FOR APPEALS UNDER CGS § 12-117A

Extends the deadline by which property owners must file an appraisal for certain property tax appeals

§§ 20 & 28 — PSYCHEDELIC-ASSISTED THERAPY

Repeals provisions in the FY 22-23 budget and implementer act, establishing a psychedelic-assisted therapy pilot program at the Connecticut Mental Health Center and a fund to administer program grants; instead requires DMHAS, by January 1, 2023, to establish a PAT pilot program within available appropriations that is administered by a Connecticut medical school

§ 21 — DESIGNATING HEALTH EQUITY WEEK

Requires the governor to proclaim the first full week of April as Health Equity Week

§§ 22-24 — COPAY ACCUMULATOR PROGRAM PROHIBITION

Applies the state's copay accumulator program prohibition to high deductible health plans to the extent permitted by federal law and without disqualifying the insured from receiving associated federal tax benefits

§ 25 — TOBACCO SETTLEMENT FUND AND TOBACCO AND HEALTH TRUST FUND

Makes minor changes to a budget and implementer act provision that annually redirects $12 million of Tobacco Settlement Fund proceeds from the General Fund to the Tobacco and Health Trust Fund

§ 26 — LCO TECHNICAL CHANGES

Requires LCO to make technical, grammatical, and punctuation changes to carry out the act's purposes

§ 31 — EARNED INCOME TAX CREDIT

Eliminates a provision in the FY 22-23 budget adjustment act that increases the state EITC from 30.5% to 41.5% of the federal credit starting in the 2023 tax year

§§ 1 & 17 — ARPA ALLOCATION ADJUSTMENTS

Modifies ARPA funding allocations for FY 23

The act reallocates federal American Rescue Plan Act (ARPA) funding allocations for FY 23, resulting in a total of $3.4 million in adjustments but no net change to the total allocations. It also makes technical changes and corrections to the allocations. The act's adjustments are in addition to the adjustments in the FY 22-23 budget adjustment and implementer act that resulted in a net increase of $1.7523 billion in new allocations for a range of initiatives and programs (PA 22-118, §§ 10 & 11).
EFFECTIVE DATE: Upon passage

§ 2 — CARRYFORWARD FOR DOL PERSONAL SERVICES

Expands the purposes for which DOL may use a specified carryforward in FY 23

The budget adjustment and implementer act carries forward to FY 23 up to $25 million of the amount appropriated for FY 22 to the Department of Social Services (DSS) for Medicaid and transfers it to the Department of Labor's (DOL) personal services account (PA 22-118, § 14). It authorizes DOL to use the funds to support the fringe benefit costs for DOL staff for the unemployment insurance program's increased caseload due to the COVID-19 pandemic. This act additionally authorizes the funds to be used for indirect overhead costs for DOL staff.
EFFECTIVE DATE: Upon passage

§ 3 — MONTHLY OPM REPORT ON CARRYFORWARDS AND ARPA ALLOCATIONS

Changes the date by which OPM must submit a monthly status report to the Appropriations Committee on carryforwards and ARPA allocations

PA 22-118, § 64, requires the Office of Policy and Management (OPM) secretary to submit monthly status reports during FY 23 to the Appropriations Committee on the (1) amounts carried forward and transferred from FYs 21 or 22 under the FY 22-23 budget and implementer acts and (2) ARPA allocations under these acts. This act requires him to submit the reports by the 25th, rather than the 15th, of each month during the fiscal year.
EFFECTIVE DATE: Upon passage

§§ 4 & 5 — CANNABIS GENERAL FUND ACCOUNTS AND APPROPRIATED FUNDS

Extends the collection of specified fees and taxes for two cannabis general fund accounts to FY 23 and requires that money from those accounts be transferred to the General Fund at the end of FY 23

The 2021 cannabis law establishes two new General Fund accounts (the cannabis regulatory and investment account and social equity and innovation account). It directs specified fee and tax revenue to them for FY 22 and requires OPM to allocate the account funds to state agencies for specified purposes (e.g., costs incurred in implementing the cannabis law and start-up assistance). Beginning in FY 23, the cannabis law also establishes the Social Equity and Innovation Fund and requires that the money in the fund be appropriated for specified purposes (e.g., funding community investments).

The act extends the collection of specified fees and taxes for the two accounts for an additional year, to FY 23. It also transfers, at the end of FY 23, (1) all money remaining in the cannabis regulatory and investment account to the General Fund and (2) $5 million, or all the remaining money if less than this amount, from the social equity and innovation account to the General Fund. The money that is not transferred must instead be transferred to the Social Equity and Innovation Fund.

By law, as is the case for the social equity and innovation account's purposes, the fund must be appropriated for (1) access to business capital, (2) technical assistance for business start-ups and operations, (3) workforce education, and (4) community investments. (PA 22-118, § 129, among other things, expands the permitted purposes of the social equity and innovation account and fund to include paying costs incurred to implement activities authorized under the 2021 cannabis law.)

EFFECTIVE DATE: Upon passage

§ 6 — AMBULANCE RATES

Replaces a provision in the FY 22-23 budget adjustment and implementer act that required the DPH commissioner to proportionally adjust certain ambulance service rates based on any increases the social services commissioner makes to Medicaid ambulance service rates; instead requires that these rates be adjusted for FY 23 based on the amounts appropriated to DPH for this purpose

The act replaces a provision in the FY 22-23 budget adjustment and implementer act that required the Department of Public Health (DPH) commissioner to proportionally adjust certain ambulance service rates with any increases the social services commissioner makes to Medicaid ambulance service rates (PA 22-118, § 135).

It instead requires the DPH commissioner to proportionally adjust these ambulance service rates for FY 23 based on the amounts appropriated to the department for this purpose. The proportional adjustments apply to rates for (1) transporting and treating patients by licensed ambulance services and invalid coaches and (2) certified ambulance services and paramedic intercept services.

The act also requires the DPH commissioner to report to the Appropriations and Public Safety committees by January 1, 2023, on the rates for the preceding 10 fiscal years.

EFFECTIVE DATE: Upon passage

§§ 7 & 29 — COMMUNITY OMBUDSMAN PROGRAM

Repeals a provision in the FY 22-23 budget adjustment and implementer act that created a Community Ombudsman program within the Office of the Long-Term Care Ombudsman; replaces it with a similar program to, among other things, respond to complaints about long-term services and supports provided to adults in DSS-administered home- and community-based programs

The act repeals a provision in the FY 22-23 budget adjustment and implementer act creating a Community Ombudsman program within the Office of the Long-Term Care (LTC) Ombudsman (PA 22-118, § 243), and replaces it with a similar program. It charges the program with, among other things, responding to complaints about long-term services and supports provided to adults in home- and community-based programs administered by DSS.

By October 1, 2022, the LTC ombudsman must, within available appropriations, appoint a community ombudsman. Among other things, the act requires the LTC ombudsman and community ombudsman to ensure that any home care recipient's health data obtained by the program is protected according to the Health Insurance Portability and Accountability Act (HIPAA).

Under the act, a "home care provider" is a person or organization, including a home health agency, hospice agency, or homemaker-companion agency. "Long-term services and supports" are (1) health, health-related, personal care, and social services to help with optimal functioning and quality of life for people with physical, cognitive, or mental health conditions or disabilities, or (2) hospice care services for people nearing the end of their lives.

EFFECTIVE DATE: July 1, 2022, except that the repeal of the PA 22-118 provision is effective upon passage.

Community Ombudsman Duties

The act requires that the community ombudsman have access to data on long-term services and supports provided by a home care provider to a client if the client or his or her authorized representative generally consents in writing. Alternatively, the act grants the community ombudsman access to data without a client's written consent if he or she cannot provide it due to (1) a physical, cognitive, or mental health condition or disability and (2) the lack of an authorized representative. In this case, the community ombudsman must determine that the data is necessary to investigate a complaint about the client's care.

The act authorizes the Community Ombudsman program to (1) identify, investigate, refer, and resolve complaints about home care services; (2) raise public awareness about home care and the program; (3) advocate for LTC options and promote access to home care services; (4) coach people in self-advocacy; and (5) provide referrals to home care clients.

LTC Ombudsman Oversight

The act requires the LTC Ombudsman's office to oversee the Community Ombudsman program and provide

administrative and organizational support by doing the following:

1. developing and implementing a public awareness strategy;
2. applying for, or collaborating with other state agencies to apply for, available federal funding;
3. collaborating with administrators of other states' programs and services to design and carry out an agenda promoting the rights of elderly people and people with disabilities;
4. providing information to public and private agencies, elected and appointed officials, and the media on home care recipients' problems and concerns;
5. advocating for improvements in the home- and community-based long-term services and supports system; and
6. recommending changes in federal, state, and local laws, regulations, policies, and actions pertaining to the health, safety, welfare, and rights of home care recipients.

Starting by December 1, 2023, the LTC ombudsman must annually report to the Aging, Human Services, and Public Health committees on (1) the program's public awareness strategy implementation, (2) the number of people served, (3) the number of home care complaints filed and their disposition, and (4) any gaps in services and resources needed to address them.

§ 8 — HOMEOWNERSHIP INCENTIVE PROGRAM

Modifies a homeownership incentive program authorized for Hartford by (1) limiting the tax benefits provided under the program to a 100% income tax exemption and (2) expanding the areas Hartford must designate for the program from two census blocks to at least two census tracts

Prior law required 100% municipal property tax abatements and state income tax exemptions for residents meeting specified criteria in a municipality that annually adjusts the property tax assessment ratios for residential property. Because Hartford is the only municipality that adjusts these ratios, it is the only municipality where these benefits must be granted. (To date, it has not implemented the program.)

The act (1) limits the tax benefits provided under the program to a 100% income tax exemption and (2) expands the areas Hartford must designate for the program from two census blocks to at least two census tracts. As under existing law, the designated areas must have a homeownership rate of 15% or less to qualify.

The act makes various conforming changes to the program. As required under existing law, the state must provide the income tax exemptions to the following people who reside in the designated areas: (1) owners of owner-occupied homes (generally residential structures with three or fewer units) and (2) people renting dwellings in the designated areas as their primary residence who graduated from a four-year college within two years before signing the lease agreement.

As under existing law, the exemption lasts until the homeownership rate for one- to three-unit dwellings in the designated area reaches or exceeds 49%. At that point, the municipality must notify the owners and eligible renters that the exemption will be phased out over five years. The act additionally requires the municipality to notify the Department of Revenue Services of the phase-out. As under existing law, the phase-out must reduce the exemption's value by 20% per year until the residents are liable for 100% of the income taxes owed.

EFFECTIVE DATE: October 1, 2022

§ 9 — WAIVER OF DELINQUENT PROPERTY TAX INTEREST

Authorizes a local option waiver of delinquent property tax interest accrued during specified periods by certain federally tax-exempt social or recreational clubs

The act authorizes municipalities, by vote of their legislative body, to waive any delinquent property tax interest accrued during specified periods by social or recreational clubs that are 501(c)(7) tax-exempt organizations. Under the act, municipalities may waive (1) interest that accrued from June 30, 2019, to June 30, 2022, and (2) future interest that may accrue from July 1, 2022, to July 1, 2027.

EFFECTIVE DATE: Upon passage

§ 10 — PROPERTY TAX ASSESSMENT OF CRDA APARTMENT PROPERTY

Requires Hartford to assess all CRDA apartments in the city as residential, rather than apartment, property

By law, Hartford sets different assessment ratios for different classes of property. The assessment ratio is (1) 70% for apartment property (i.e., apartments with four or more units and condominium units converted after July 1, 2018) and (2)

36.75% for residential property (for the 2021 assessment year).

Existing law requires Hartford to assess certain Capital Region Development Authority (CRDA) apartment property in the same way it assesses residential property with three or fewer units. In doing do, it lowers the assessments for these apartments. Under prior law, this property tax treatment applied only to apartments CRDA constructs or converts in the statutorily designated Capital City Economic Development District. The act extends it to CRDA apartments throughout Hartford.

EFFECTIVE DATE: October 1, 2022, and applicable to assessment years beginning on or after that date.

§§ 11 & 12 — TECHNICAL CHANGES

Makes technical corrections to references to the Schaghticoke Tribe in the FY 22-23 budget adjustment and implementer act

The act makes technical corrections to references to the Schaghticoke Tribe in the FY 22-23 budget adjustment and implementer act (PA 22-118, §§ 12 & 59).

EFFECTIVE DATE: Upon passage

§§ 13 & 32 — SCHOOL CONSTRUCTION TECHNICAL CHANGE TO BUDGET IMPLEMENTER

Makes a technical change to a school construction grant reimbursement provision in the budget and implementer act

The act repeals PA 22-118, § 492, which set a minimum school construction grant reimbursement rate for certain towns, and replaces it with the same provisions with a technical change (§ 13).

EFFECTIVE DATE: Upon passage for the repealed section and June 1, 2022, for the new provision.

§§ 14 & 27 — PAYMENTS TO VOLUNTEER FIRE COMPANIES

Requires the state, within available appropriations, to pay volunteer fire companies $500 for each call they respond to on designated highways

The act requires the state fire administrator to pay, within available appropriations, $500 per call to volunteer fire companies responding to calls on (1) limited access highways; (2) the section of the Berlin Turnpike that begins at the end of the Wilbur Cross Parkway in Meriden and extends north along Route 15 to the South Meadows Expressway in Wethersfield; and (3) the section of Route 8 in Beacon Falls within the Naugatuck State Forest. It repeals a similar provision in the budget and implementer act (PA 22-118, § 75).

The act prohibits municipalities that provide funding to volunteer fire companies from reducing it based on these actual or anticipated state payments.

EFFECTIVE DATE: July 1, 2022

§§ 15 & 30 — PROHIBITION ON STATE AGENCY RECOVERY OF FEDERAL FUNDS FOR HOME- AND COMMUNITY-BASED PROVIDERS

Repeals and replaces provisions in the FY 22-23 budget and implementer act that prohibit state agencies from recovering certain federal funds from health and human services providers and additionally specifies that the prohibition does not require state agencies to take action that would jeopardize federal claims or Medicaid reimbursements

The FY 22-23 budget and implementer act prohibits state agencies that contract with health and human services providers from recovering or otherwise offsetting certain funds the state agencies disbursed under ARPA (§ 9817). (Specifically, agencies may not recover or offset ARPA funds for enhanced Medicaid payments to expand capacity or implement other changes to home- and community-based services programs.) It prohibits these state agencies from (1) reducing contracted amounts for the same or similar services from one contract period to the next or (2) demanding reimbursement in the amount of any home- and community-based services provider ARPA payments (PA 22-118, § 248).

This act repeals these provisions and replaces them with similar ones. It also specifies that the prohibition does not require state agencies to take action that would jeopardize federal claims or Medicaid reimbursements.

EFFECTIVE DATE: Upon passage

§§ 16 & 18 — RESERVED AMOUNTS FROM LINE-ITEM APPROPRIATIONS

Reserves certain amounts from line items in agency budgets for specified purposes in FY 23

The act reserves the following amounts from line items in agency budgets for specified purposes in FY 23:

1. the entire FY 23 appropriation to DSS for "Adjust Funding Related to the Substance Use Disorder Waiver" is reserved for DSS's substance use disorder waiver reserve account and
2. $150,000 of the FY 23 appropriation to the Department of Economic and Community Development for "Other Expenses" is reserved for funding to the Greater Hartford Community Foundation for the Travelers Championship.

EFFECTIVE DATE: July 1, 2022

§ 19 — PROPERTY APPRAISAL REQUIREMENT FOR APPEALS UNDER CGS § 12-117A

Extends the deadline by which property owners must file an appraisal for certain property tax appeals

The FY 22-23 budget and implementer act requires certain property owners who appeal the valuation of their real property to the Superior Court to file an appraisal with the court if the property is assessed at $1 million or more (PA 22-118, § 468). This act changes the deadline by which they must file the appraisal, from within 90 days after filing the appeal to within 120 days.

EFFECTIVE DATE: July 1, 2022

§§ 20 & 28 — PSYCHEDELIC-ASSISTED THERAPY

Repeals provisions in the FY 22-23 budget and implementer act, establishing a psychedelic-assisted therapy pilot program at the Connecticut Mental Health Center and a fund to administer program grants; instead requires DMHAS, by January 1, 2023, to establish a PAT pilot program within available appropriations that is administered by a Connecticut medical school

The FY 22-23 budget and implementer act established (1) a psychedelic-assisted therapy (PAT) pilot program at the Connecticut Mental Health Center, (2) a fund to administer program grants, and (3) an advisory board within the Department of Mental Health and Addiction Services (DMHAS) to advise the department on various issues related to this therapy. It also, among other things, required the Department of Consumer Protection to consider adopting any nonbinding U.S. Department of Health and Human Services guidelines on the practice of this therapy (PA 22-118, §§ 200-204).

This act repeals those provisions and instead requires DMHAS, by January 1, 2023, to establish a PAT pilot program, within available appropriations, administered by a Connecticut medical school. The pilot program must provide Connecticut veterans, retired first responders, or direct health care workers with MDMA- (i.e., "Molly" or "ecstasy") or psilocybin-assisted therapy as part of a research program approved by the federal Food and Drug Administration. Under the act, the pilot program ends if the federal Drug Enforcement Administration approves MDMA and psilocybin for medical use.

MDMA is a synthetic psychoactive drug, and psilocybin occurs naturally in some mushrooms. Both act as serotonin receptor agonists, and MDMA also acts as a reuptake inhibitor of serotonin and dopamine.

EFFECTIVE DATE: July 1, 2022

§ 21 — DESIGNATING HEALTH EQUITY WEEK

Requires the governor to proclaim the first full week of April as Health Equity Week

The act requires the governor to proclaim the first full week of April as Health Equity Week to reaffirm the state's commitment to eliminating health inequities and ensuring all residents have the opportunity to achieve optimal health. It requires that suitable exercises be held in the State Capitol and other locations the governor designates.

EFFECTIVE DATE: October 1, 2022

§§ 22-24 — COPAY ACCUMULATOR PROGRAM PROHIBITION

Applies the state's copay accumulator program prohibition to high deductible health plans to the extent permitted by federal law and without disqualifying the insured from receiving associated federal tax benefits

The act applies the state's copay accumulator program prohibition (see *Background* below) to high deductible health plans (HDHPs) to the maximum extent permitted by federal law. Additionally, it applies it to HDHPs that are used to establish a health savings account (HSA), medical savings account (MSA), or Archer MSA to the maximum extent permitted by federal law and without disqualifying the insured from receiving the associated federal tax benefits.

Under federal law, an HDHP is a health plan that satisfies certain requirements, including those related to minimum deductibles and maximum out-of-pocket expenses. Individuals with eligible HDHPs may make pre-tax contributions to an HSA, MSA, or Archer MSA and use the account for qualified medical expenses.

According to the IRS, an individual covered by an HDHP who uses a discount card for health care services or products may still contribute to an HSA so long as the individual pays the covered health care costs until the HDHP's minimum annual deductible is satisfied (IRS Notice 2021-0014).

EFFECTIVE DATE: Upon passage and applicable to policies or contracts delivered, issued, renewed, amended, or continued on or after January 1, 2022.

Background — Copay Accumulator Program Prohibition

PA 21-14, which took effect January 1, 2022, requires certain health carriers (e.g., insurers and HMOs) and pharmacy benefits managers, when calculating a covered individual's cost-sharing liability (e.g., coinsurance, copayment, or deductible) for a covered benefit, to credit discounts provided and payments made by a third party for any portion of the cost sharing. Therefore, it prohibits copay accumulator programs, under which drug manufacturer discount cards, coupons, and copay assistance generally do not count toward a covered individual's cost-sharing responsibility.

§ 25 — TOBACCO SETTLEMENT FUND AND TOBACCO AND HEALTH TRUST FUND

Makes minor changes to a budget and implementer act provision that annually redirects $12 million of Tobacco Settlement Fund proceeds from the General Fund to the Tobacco and Health Trust Fund

Starting in FY 23, the FY 22-23 budget and implementer act annually redirects $12 million of Tobacco Settlement Fund proceeds from the General Fund to the Tobacco and Health Trust Fund (PA 22-118, § 196).

This act makes minor changes to that provision by (1) specifying that the remainder after the $12 million transfer is directed to the General Fund and (2) eliminating references to the legislature's General Fund revenue schedule for this purpose.

EFFECTIVE DATE: July 1, 2022

§ 26 — LCO TECHNICAL CHANGES

Requires LCO to make technical, grammatical, and punctuation changes to carry out the act's purposes

The act requires the Legislative Commissioners' Office (LCO), in codifying its provisions, to make technical, grammatical, and punctuation changes, and correct inaccurate internal references, as needed to carry out the act's purposes.

EFFECTIVE DATE: Upon passage

§ 31 — EARNED INCOME TAX CREDIT

Eliminates a provision in the FY 22-23 budget adjustment act that increases the state EITC from 30.5% to 41.5% of the federal credit starting in the 2023 tax year

The act eliminates a provision in the FY 22-23 budget adjustment and implementer act that increases the state earned income tax credit from 30.5% to 41.5% of the federal credit beginning with the 2023 tax year (PA 22-118, § 413).

EFFECTIVE DATE: Upon passage

PA 22-77—sHB 5216
Banking Committee

AN ACT CONCERNING LOW-COST BANK ACCOUNTS

SUMMARY: This act requires certain banking institutions to offer Connecticut residents a "basic banking account" beginning July 1, 2023. These accounts must:

1. offer at no additional charge a debit card, in-network ATM access, deposits, check cashing for checks issued by the institution where the consumer holds the account, and electronic monthly statements and
2. not charge fees for overdraft; insufficient funds; account activation, closure, dormancy, or inactivity; or low balance.

Among other things, the accounts must also not require a:

1. minimum initial deposit of more than $25;
2. minimum balance to maintain the account of more than $25; or
3. maintenance charge of more than $10 per periodic cycle (e.g., monthly billing cycle).

The act applies to all "banking institutions," which are banks, trust companies, savings banks, savings and loan associations, credit unions, or foreign bank branches insured by the Federal Deposit Insurance Corporation or National Credit Union Administration, as applicable.

Lastly, the act requires the banking commissioner, in evaluating banks and credit unions for compliance with the federal Community Reinvestment Act (CRA), to provide credit to banks or credit unions for offering these accounts.
EFFECTIVE DATE: January 1, 2023

BASIC BANKING ACCOUNTS

Under the act, a basic banking account must be a "consumer transaction account" (i.e., demand deposit account, negotiable order of withdrawal account, share draft account, or similar personal, family, or household account).

Terms and Conditions

These accounts may be offered subject to the same rules, conditions, and terms normally applicable to the consumer transaction account offered by the financial institution that is most similar to its basic banking account.

The act specifies that it does not require basic banking accounts to include any more enhanced account features, including preferred or incentive interest rates or rewards programs.

Overdrafts

Under the act, the terms and conditions of a basic banking account may allow the institution to not pay any check, electronic transaction, or other transaction that would overdraw the account.

Disclosures

The act requires a banking institution that publicly posts notices that it offers consumer transaction accounts other than basic banking accounts to post equally conspicuous notices, in the same areas and manner, indicating that it also offers basic banking accounts. Similarly, the banking institutions must make descriptive material about basic banking accounts available in the same manner and public areas as it does for its other consumer transaction accounts.

Additionally, a banking institution that posts these notices must also post, in an equally conspicuous way and in the same public areas and manner, the Department of Banking's toll-free consumer hotline telephone number that can be used to file customer complaints.

Alternative Accounts

In place of the basic banking account, the act allows a banking institution to offer an alternative account or other banking services that the banking commissioner deems an appropriate substitute. Additionally, any bank that offers a consumer transaction account providing the core features in the Bank On National Account Standards, or any similar standards as the commissioner determines, is deemed in compliance with the act.

PA 22-94—sSB 268
Banking Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE BANKING STATUTES

TABLE OF CONTENTS:

Makes technical and conforming changes to certain housing related statutes

§ 1 — SALES FINANCE COMPANY

Extends sales finance company licensure requirements to cover non-owners of retail installment and installment loan contracts (e.g., servicers)

The act expands the definition of "sales finance company" to include any person engaging in the in-state business of receiving principal and interest payments from a "retail buyer" under a "retail installment contract" or "installment loan contract" as state law defines those terms. It does so by eliminating language that conditioned inclusion on whether these people owned or had conveyed, assigned, or transferred any interest in the contract to another person. Effectively, it extends the definition to non-owners such as servicers.

In doing so, the act subjects these people to all the sales finance company licensure requirements in state law such as the application process, criminal history record checks, liability for investigation and examination costs, and a biennial license fee of $400 (CGS §§ 36a-536 to -539). It also subjects them to fines of up to $500, imprisonment for up to six months, or both, for violations of these requirements (CGS § 36a-546).

EFFECTIVE DATE: October 1, 2022

§§ 2 & 3 — MONEY TRANSMITTERS

Alters who is considered to have control of a state money transmitters licensee and the exemption from the notice and approval requirements when changing any control person of the licensee

Control of a Money Transmitter Licensee (§ 2)

The act makes several definitional changes that alter the scope of the state's money transmitter statutes, including the:

1. range of people on whom the banking commissioner can perform background checks (CGS § 36a-598);
2. reasons and extent to which the commissioner can take disciplinary action against a licensee (CGS § 36a-608);
3. range of people whose character the commissioner must assess, including their capability to demonstrate financial responsibility (CGS § 36a-600); and
4. range of people prohibited from fraud and other actions (CGS § 36a-607).

Principally, the act changes who is considered to have control of a money transmitter licensee. Under prior law, "control" meant the power, directly or indirectly, to direct the licensee's management or policies (CGS § 36a-485(4)). The act specifies that this includes individuals who have certain voting or appointment powers or controlling influence. Specifically, under the act, "control" is the power to do the following:

1. vote, directly or indirectly, at least 25% of the outstanding voting shares or interests of a money transmitter licensee or a person in control of the licensee;
2. elect or appoint a majority of "key individuals" (see below) or executive officers, managers, directors, trustees, or other people exercising managerial authority of a person in control of a licensee; or
3. exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of the licensee.

The act specifies that when determining the percentage of control, a person's interests are aggregated with those of his or her immediate family members, including spouse, parents, children, siblings, in-laws, and any person sharing his or her home.

The act presumes a person is exercising a controlling influence when he or she holds at least 10% of the voting rights of a licensee or person in control of the licensee. However, passive investors can rebut this presumption. Under the act, a "passive investor" is someone who meets the following criteria:

1. does not have the power to elect a majority of "key individuals" (see below) or executive officers, managers, directors, trustees, or other people exercising managerial authority of a person in control of a licensee;
2. is not employed by and does not have any managerial duties of the licensee or person in control of a licensee;
3. does not have the power to directly or indirectly exercise a controlling influence over the management or policies of a licensee or person in control of a licensee; and
4. attests to meeting these requirements in a form and way the banking commissioner prescribes.

Relatedly, the act also changes the meaning of "control person" under the state's money transmitter laws. Under prior law, a "control person" was an individual who directly or indirectly exercises "control" (see above) over another person,

and the following people were generally presumed to be control persons: directors, general partners, executive officers, individuals holding the rights to at least 10% of voting shares, managing members of limited liability companies, and any individuals holding the right to receive at least 10% or more of a partnership's capital after dissolution. Under the act, a control person is any person in "control" (see above) of a money transmitter licensee or applicant, any person that seeks to acquire control of a licensee, or a "key individual" (see below).

Change of a Control Person Notice and Approval (§ 3)

By law, money transmitter licenses are not transferable or assignable. The act specifies that these licenses may be acquired subject to certain notice and approval requirements for changing a licensee's "control person" (see above), which the act modifies.

Generally, under existing law, an advance change notice must be filed at least 30 days before the effective date of a change in a licensee's control person, and the change cannot occur without the banking commissioner's approval. Prior law exempted from these requirements a change of a director, general partner, or executive officer that was not due to an acquisition or "change of control" (i.e., any change causing the majority ownership, voting rights, or control of a licensee to be held by a different control person or group of them). The act instead exempts changes of key individuals under the same circumstances. Under the act, a "key individual" is any person ultimately responsible for establishing or directing a licensee's policies and procedures, including an executive officer, manager, director, or trustee.

EFFECTIVE DATE: October 1, 2022

§ 4 — MORTGAGE LOAN SERVICERS

Requires certain mortgage servicers that service at least 2,000 residential loans to meet minimum capital and liquidity requirements, establish a board of directors, conduct annual audits, and create a risk management program

The act imposes several requirements on certain mortgage servicers that generally service 2,000 or more residential mortgage loans (defined under the act as "covered institutions"). It requires them to meet certain minimum capital and liquidity requirements, establish and maintain a board of directors, conduct annual audits, and create a risk management program.

Mortgage Servicers Subject to the Act

The act's provisions apply to any mortgage servicer that services (or subservices for others) at least 2,000 mortgage loans that are primarily for personal, family, or household use and are secured by residential property in the United States. This threshold excludes owned whole loans (i.e., loans the lender retains in its portfolio) and loans being interim serviced prior to sale (i.e., the process of collecting mortgage payments for up to 90 days before selling the loan on the secondary market).

The provisions do not apply to the following:

1. certain entities exempt from the state's mortgage servicer licensing (i.e., specific banks, credit unions, and certain subsidiaries of them);
2. any federally tax-exempt mortgage servicer; and
3. any agency that existing state law exempts from mortgage servicer requirements (e.g., certain state, municipal, and federal agencies; people servicing five or fewer mortgage loans a year; and bona fide nonprofit organizations making residential mortgage loans to promote home ownership for economically disadvantaged individuals).

Capital and Liquidity Requirements

With certain exceptions, the act requires covered mortgage servicers to maintain the minimum capital ratio, net worth, and liquidity set in the Federal Housing Finance Agency's Eligibility Requirements for Enterprise with Single-Family Seller/Servicers. They must do so regardless of their approval for government sponsored enterprise servicing.

The act also requires them to maintain (1) sufficient "allowable assets for liquidity" (see below) to cover normal business operations, in addition to the amounts required for servicing liquidity, and (2) sound cash management and business operating plans commensurate with their institutional complexity to ensure normal business operations.

Under the act, a covered servicer must have written policies and procedures implementing these capital and servicing liquidity requirements, including a sustainable written methodology for satisfying the act's requirements. Additionally, they

must develop, establish, and implement plans, policies, and procedures for maintaining operating liquidity sufficient for their ongoing needs, including sustainable, written methodologies for maintaining sufficient operating liquidity.

Under the act, "allowable assets for liquidity" are assets that may be used to satisfy the act's liquidity requirements, including unrestricted cash and cash equivalents and unencumbered investment grade assets held for sale or trade (including mortgage-backed securities held by Fannie Mae, Freddie Mac, Ginnie Mae, and U.S. treasury-backed obligations).

For complying with these requirements, all financial data must be determined according to generally accepted accounting principles (GAAP). Additionally, a servicer's reverse mortgage portfolio is excluded from these calculations.

The act excludes from these requirements any mortgage servicers that solely (1) own reverse mortgage loans or conduct reverse mortgage services or (2) subservice others' loans with no responsibility to advance money in connection with the subservicing.

Board of Directors

The act requires a covered mortgage servicer to establish and maintain a board of directors responsible for its oversight. Those that are not approved to service government sponsored enterprise loans or Ginnie Mae loans, or those that have been granted approval for a board alternative by a federal agency, may establish a similar governing body to fulfill these oversight responsibilities.

Under the act, the board (or similar governing body) must do the following:

1. establish a written corporate governance framework, including appropriate internal controls designed to monitor corporate governance and assess compliance;
2. monitor and ensure institutional compliance with existing mortgage servicing statutes, including accurately and timely completing and submitting all regulatory reports (including the mortgage call report); and
3. establish internal audit requirements appropriate for the servicer's size, complexity, and risk profile, including appropriate independence to provide a reliable evaluation of the servicer's internal control structure, risk management, and governance.

Audits

The act requires covered servicers to annually procure an external audit from an independent public accountant. The audit must include the following:

1. audited financial statements, including a balance sheet, income statement, cash flow, and notes and supplemental schedules prepared in accordance with GAAP;
2. an assessment of the servicer's internal control structure;
3. a computation of its tangible net worth;
4. validation of its applicable mortgage servicing rights valuation and reserve methodology;
5. verification of adequate fidelity and errors and omissions insurance; and
6. testing of risk management controls, including applicable compliance and stress testing.

Risk Management Program

Under the act, covered servicers must establish a risk management program under the board's oversight that identifies, measures, monitors, and controls risk commensurate with the servicer's complexity. The program must (1) have appropriate processes and models in place to measure, monitor, and mitigate financial risk and changes to the servicer's risk profile and that of its serviced assets and (2) be scaled to the servicer's complexity.

The program must also be sufficient to manage the servicer's risks, including the following risks:

1. credit (i.e., the risk that a borrower or counterparty will fail to perform on an obligation);
2. liquidity (i.e., the risk that the servicer will be unable to meet its obligations as they come due because of an inability to liquidate assets or obtain adequate funding or because it cannot easily unwind or offset specific exposures);
3. operational (i.e., the risk resulting from inadequate or failed internal processes, people, and systems or from external events);
4. market (i.e., the risk to the servicer's condition due to adverse market movements in rates or prices);
5. compliance (i.e., the risk of regulatory sanctions, fines, penalties, or losses due to failure to comply with laws, rules, regulations, or other applicable supervisory requirements);
6. legal (i.e., the risk that potential actions against the servicer that result in unenforceable contracts, lawsuits, legal sanctions, or adverse judgments can disrupt or otherwise negatively affect its operations or condition); and

7. reputation (i.e., the risk to earnings and capital from negative publicity about the servicer's business practices).

Relatedly, covered servicers must annually conduct a risk management assessment and provide a written report on it to the board of directors that includes (1) evidence of risk management activities, (2) any adverse findings of the risk management program, and (3) proposed corrective actions to remedy any of those findings.

If the commissioner finds that a servicer's risk is significant after an investigation, inquiry, or examination, the act allows him to order or direct the servicer to take additional actions to ensure it operates in a safe and sound manner and complies with applicable laws.

EFFECTIVE DATE: October 1, 2022

§ 5 — REMOTE WORK FOR CERTAIN BANKING DEPARTMENT LICENSEES AND SUPERVISORS

Adopts several remote work provisions for mortgage lenders, correspondent lenders, and brokers

Prior law prohibited the banking commissioner from issuing a mortgage lender, mortgage correspondent lender, or mortgage broker license to an applicant unless he or she, among other things, had a supervisor who (1) lived within 100 miles of the applicant's office (including his or her main office and each branch office) and (2) could provide in-person office supervision. The act eliminates those geographic requirements and instead simply requires that applicants have a supervisor who can provide full-time office supervision. The act similarly allows mortgage loan originator licensees to work remotely by eliminating the requirement that they generally operate from an office within 100 miles of where they reside.

EFFECTIVE DATE: Upon passage

§ 6 — MORTGAGE LICENSEE SURETY BONDS

Requires certain mortgage-related licensees to file a surety bond for each main and branch office

The act requires licensed mortgage lenders, mortgage correspondent lenders, and mortgage brokers to file a surety bond for their main office and each branch office, instead of one for the main office and addendums for branch offices as prior law required.

EFFECTIVE DATE: Upon passage

§ 7 — DEBT NEGOTIATION LICENSEE SURETY BONDS

Requires debt negotiation license applicants to file a bond for each main and branch office

The act requires applicants for a debt negotiation license for a branch office to file a surety bond for the same $50,000 that existing law requires for main office license applications. It also specifies that a bond must be filed for each licensed location (i.e., main and branch offices) and makes conforming changes, including eliminating prior requirements for applicants to identify branch offices by addendum to the main office's surety bond.

EFFECTIVE DATE: Upon passage

§§ 8 & 9 — CONSUMER COLLECTION AGENCY LICENSEE SURETY BONDS

Increases the required bond amount on each office for consumer collection agency licensees

The act increases the required bond amount for consumer collection agency licensees from $25,000 to $50,000 for each main and branch office. As under existing law, consumer collection agencies that solely buy debt are exempt from the bond requirements. The act eliminates an option for licensees holding, applying for, or seeking renewal of more than one license to either file (1) separate bonds for each office or (2) a single bond naming each office.

EFFECTIVE DATE: October 1, 2022

§ 10 — CONSUMER COLLECTION AGENCY LICENSEE DEPOSITS

Expands the types of banks into which consumer collection agency licensees can deposit debtor money

By law, when consumer collection agency licensees collect or receive payments from debtors, they must deposit them into trust accounts held at a federally insured bank, Connecticut or federal credit union, or out-of-state bank. However, prior law limited deposits into out-of-state banks to those that maintained a Connecticut branch. The act eliminates this geographical restriction, allowing deposits into any out-of-state bank.
EFFECTIVE DATE: Upon passage

§ 11 — TECHNICAL AND CONFORMING CHANGES

Makes several technical and conforming changes

By law, commercial mortgage loan originators who are "highly compensated employees," as described in federal law, are exempt from certain state overtime laws. The act changes part of the state law's definition of "commercial mortgage loan originator" to specify that it includes a person who "takes" commercial mortgage loan applications rather than "accepts" these applications as under prior law.
EFFECTIVE DATE: October 1, 2022

§§ 12-14 — COMMUNITY REINVESTMENT ACT (CRA)

Requires the banking commissioner, when deciding whether to approve a new loan production office for certain banks, to consider the bank's record of compliance with CRA and overall CRA rating; establishes a working group to examine CRA and recommend ways to incentivize banks and credit unions to provide certain products and services

New Loan Production Offices (§§ 12 & 13)

The act requires the banking commissioner, when deciding whether to approve a new loan production office for a Connecticut bank or an out-of-state bank (but not a foreign bank), to consider the bank's (1) record of compliance with CRA and (2) overall CRA rating (see BACKGROUND).

By law, Connecticut banks must have the commissioner's approval to establish a loan production office in this state or in another state. Out-of-state banks, other than foreign ones, must similarly have the commissioner's approval to establish a loan production office in Connecticut.

CRA Working Group (§ 14)

The act requires the Banking Committee chairpersons to convene and chair a 13-member working group to examine CRA, monitor proposed changes to it, and make recommendations and submit comments to federal regulators and Connecticut's federal legislative delegation. The working group must also recommend ways to incentivize banks and credit unions to open branches in communities that lack adequate banking services and offer loan products to people in low- and moderate-income neighborhoods.

The working group must report its findings and recommendations to the Banking Committee by February 1, 2024. The group terminates when it submits the report, or February 1, 2024, whichever is later.

Under the act, the working group consists of the following members:

1. the Banking Committee's chairpersons, vice chairpersons, and ranking members;
2. the banking commissioner, or his designee;
3. one representative each of the Connecticut Bankers' Association and the Credit Union League of Connecticut;
4. a representative of Connecticut banks, appointed by the House minority leader;
5. a representative of Connecticut credit unions, appointed by the Senate minority leader; and
6. two representatives of organizations representing the interests of low- and moderate-income communities that lack adequate banking services, one each appointed by the House speaker and Senate president pro tempore.

All initial appointments to the working group must be made within 30 days after the act's effective date (i.e., by October 31, 2022). The appointing authority must fill any vacancies.

Under the act, the Banking Committee's chairpersons serve as the group's chairpersons and schedule the working group's first meeting, which must be held within 60 days after the act's effective date (i.e., by November 30, 2022). The Banking Committee's administrative staff must serve as the working group's administrative staff.
EFFECTIVE DATE: October 1, 2022

§ 15 — OBLIGORS

Restricts who is considered an obligor when calculating a Connecticut bank's liabilities by excluding anyone who is a "guarantor" or "indemnitor" of a direct or indirect liability under specified conditions

Existing law limits the total liabilities of any one obligor (i.e., borrower) to a Connecticut bank. The limit is a specified percentage of the bank's equity capital and loan and lease loss reserves (generally 15% for unsecured liabilities and 10% for secured liabilities). The act restricts who is considered an obligor for these purposes by excluding anyone who is a "guarantor" or "indemnitor" of a direct or indirect liability under specified conditions.

Under the act, a guarantor or indemnitor is excluded as an obligor when:

1. the bank primarily relies on the "primary obligor's" general credit standing (except as described below);
2. there is no aspect of the loan that is being made as an exception to the bank's lending policies;
3. the guarantor or indemnitor is not an obligor under state law's direct benefit or common enterprise tests; and
4. if the primary obligor is not a natural person, the bank seeks repayment of the liability from the primary obligor's business operations, and the bank primarily relies on the business forecast of its operations.

Under the act, a "primary obligor" is anyone named as a borrower or debtor, and not a guarantor or indemnitor, in a direct or indirect liability. A "guarantor" is anyone obligated to pay a direct or indirect liability when the primary obligor has defaulted on the liability under its terms. An "indemnitor" is anyone who becomes obligated to pay a direct or indirect liability under an indemnity agreement.

EFFECTIVE DATE: October 1, 2022

§ 16 — REPOSSESSION NOTICES

Authorizes the banking commissioner to adopt regulations to implement existing law on repossession of goods

Existing law allows certain lenders to repossess goods, such as motor vehicles, when a buyer fails to pay or fulfill another contractual obligation. It prescribes the procedures that lenders must follow to repossess, have a borrower redeem, and complete a resale of the goods.

The act authorizes the banking commissioner to adopt regulations to implement this law.

EFFECTIVE DATE: October 1, 2022

§§ 17-19 — TECHNICAL AND CONFORMING CHANGES

Makes technical and conforming changes to certain housing related statutes

The act makes technical and conforming changes in certain municipal tax lien, Department of Housing, and Connecticut Housing Finance Authority (CHFA) statutes, including by specifying that a homeowner receiving CHFA emergency lien payments must make monthly payments to the authority in at least the amount they would have paid towards liens. (This is a conforming change to PA 21-44, which established the emergency lien assistance program within CHFA's existing Emergency Mortgage Assistance Program.)

EFFECTIVE DATE: October 1, 2022

BACKGROUND

CRA

Congress enacted the federal CRA in 1977 to encourage regulated financial institutions to help meet their communities' credit needs (e.g., lending, investing, and providing services), including low- and moderate-income neighborhoods' needs, consistent with bank safety and soundness. It requires federal bank regulators to assess a bank's performance record, assign it a CRA rating ranging from "outstanding" to "substantial noncompliance," and consider the rating when deciding to approve an application for a new branch, a merger, or certain other activities (12 U.S.C. § 2901, et seq.).

PA 22-96—sHB 5214
Banking Committee

AN ACT CONCERNING THE CLOSING OF ACCOUNTS AT FINANCIAL INSTITUTIONS

SUMMARY: This act requires financial institutions, when closing a deposit account (e.g., a personal checking or savings account), to generally notify the account holder about why the account is being closed.

Specifically, financial institutions must (1) mail the depositor a written notice explaining the reason the account was closed or (2) if the depositor has consented to electronic correspondence (i.e., electronic statements), send the notice electronically. Either way, the institution must send the notice to the mailing or email address on record within 10 business days after closing the account.

Under the act, however, financial institutions do not have to provide this notice if state or federal laws or regulations prohibit it or if they are closing the account due to:

1. a reasonable belief that the account is being used for fraudulent or illegal activity, or that at least one of the depositors is engaging in fraud or illegal activity;
2. information indicating a local, state, or federal law enforcement or regulatory agency is investigating the account or account holders for fraud or illegal activity;
3. a request or order from a court or local, state, or federal law enforcement or regulatory agency to not provide certain information to the depositor; or
4. a reasonable belief that providing the notice may put a financial institution's employee at risk of physical or emotional harm by the depositor.

Additionally, a financial institution is not required to provide the notice described above if it complies with any other state or federal law on providing account closure notices.

Under existing law and the act, a "deposit account" is any account into which deposits can be made that is held by a natural person; it excludes a general or limited partnership account or sole proprietorship business account (CGS § 36a-316).

The act also makes technical changes (§ 2).

EFFECTIVE DATE: October 1, 2022

PA 22-42—sSB 206
Committee on Children

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES' RECOMMENDATIONS FOR REVISIONS TO THE STATUTES CONCERNING CHILDREN

SUMMARY: This act expands the entities to whom the Department of Children and Families (DCF) must disclose certain records without the subject's consent. Existing law generally requires the department to obtain consent from the subject of a record before disclosing information created or obtained in connection with its child protection activities, activities of a child while in DCF care or custody, or the department's abuse and neglect registry. The act creates additional exceptions for disclosures to the following entities:

1. the Office of Early Childhood (OEC) to determine a person's suitability to (a) care for children in an OEC-licensed youth camp or (b) provide child care services to a child and to receive a childcare subsidy (i.e., Care 4 Kids);
2. any DCF-licensed child placing agency to determine a person's suitability (a) for employment or (b) to adopt and provide foster care; and
3. the Department of Administrative Services to determine whether an applicant for state employment who would have contact with children in the course of his or her employment is on the child abuse or neglect registry.

Existing law required DCF to create and implement a plan for an educational unit within the department to educate children who are incarcerated or in a juvenile justice facility. The act instead requires DCF to establish an administrative unit (effectively replacing the education unit) to oversee these children's education, rather than directly provide it.

The act also directly eliminates the commissioner's power to employ and dismiss teachers or contract with local or regional boards of education or educational service providers to provide educational services to these children. As under existing law, the DCF commissioner must still administer, coordinate, and control the unit's operations and may employ and dismiss staff as needed.

EFFECTIVE DATE: October 1, 2022, except that the provision on DCF records disclosure is effective July 1, 2022.

PA 22-81—sSB 2
Committee on Children
Appropriations Committee

AN ACT EXPANDING PRESCHOOL AND MENTAL AND BEHAVIORAL SERVICES FOR CHILDREN

TABLE OF CONTENTS:

Changes family child care home staffing and enrollment requirements

§ 8 — FAMILY CARE COORDINATORS

Requires local and regional boards of education to hire or designate a family care coordinator

§ 9 — WITHHOLDING RECESS AS A FORM OF STUDENT DISCIPLINE

Requires local and regional boards of education to adopt policies addressing the withholding of recess as a form of student discipline and specifies requirements and limitations for these policies

§§ 10 & 11 — CHILDREN'S MENTAL HEALTH DAY

Requires (1) the governor to proclaim May 26 of each year to be "Get Outside and Play for Children's Mental Health Day" and (2) SDE to provide annual notice about the day to school boards starting with the 2022-2023 school year

§ 12 — PAYMENT TO EARLY INTERVENTION SERVICES PROVIDERS

For FYs 23 & 24, requires the OEC commissioner to make a $200 general administrative payment to early intervention service providers for each child with an individualized family service plan that accounts for less than nine service hours during the acting month

§ 13 — CHILD CARE CENTER TAX ABATEMENT

Authorizes municipalities to establish a property tax abatement for certain properties used for child care centers, group child care homes, or family child care homes

§§ 14 & 15 — OEC REGULATIONS ON PARENTAL NOTIFICATION

Requires the OEC commissioner to adopt regulations requiring child care facilities to notify parents about certain incidents resulting in a child's injury or illness

§ 16 — DCF COST OFFSET AND BENEFIT PAYMENT POLICY

Prohibits DCF from using a child's Social Security disability benefits to offset the cost of their care while in DCF care and custody, and requires the DCF commissioner to establish a policy to manage these benefits

§ 17 — DPH PILOT GRANT PROGRAM EXPANDING BEHAVIORAL HEALTH CARE FOR CHILDREN BY PEDIATRIC CARE PROVIDERS

Requires DPH, in consultation with DSS, to establish a pilot program to expand behavioral health care services to children by pediatric care providers in private practices

§§ 18-20 — SAFE STORAGE OF PRESCRIPTION DRUGS AND CANNABIS

Requires DCP to develop documents on the safe storage and disposal of opioid drugs and cannabis and cannabis products and post the documents online; requires pharmacies, cannabis retailers, and hybrid retailers to post notices about these documents on their premises

§ 21 — HOSPICE DISPOSAL OF CONTROLLED SUBSTANCE

Requires certain hospice and hospice care programs to dispose of any unconsumed (presumably) controlled substance they dispensed or administered to a terminally ill person

§ 22 — CHILD CARE TAX CREDIT STUDY

Requires DRS to conduct a study to identify options for establishing a personal income tax credit for taxpayers with dependent children enrolled in child care

§ 23 — OUT-OF-POCKET MEDICAL COSTS FOR CHILD CARE FACILITY EMPLOYEES

Requires DSS, in consultation with the State Comptroller, to conduct a study to identify ways the state can financially assist child care facility employees with out-of-pocket medical costs

§ 24 — TASK FORCE TO STUDY CHILDREN'S NEEDS

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

§ 25 — MEDICAID STATE PLAN EXPANSION

Expands the Medicaid state plan to include services provided by certain associate licensed behavioral health clinicians under an enrolled independent licensed behavioral health clinician's supervision

§ 26 — LICENSURE BY RECIPROCITY OR ENDORSEMENT FOR SPEECH AND LANGUAGE PATHOLOGISTS AND OCCUPATIONAL THERAPISTS

Requires DPH, in consultation with OEC, to develop and implement a plan to establish licensure by reciprocity or endorsement for speech and language pathologists and occupational therapists licensed in other states who intend to provide services under the Birth-to-Three program

§ 27 — CONNECTICUT ALCOHOL AND DRUG POLICY COUNCIL

Adds the child advocate, or her designee, to the Connecticut Alcohol and Drug Policy Council within DMHAS

§ 28 — DPH PRIMARY CARE DIRECT SERVICES PROGRAM

Requires community-based primary care services providers participating in DPH's direct service program to provide, or arrange access to, behavioral health services; makes certain mental health professionals eligible for the state loan repayment program; for FY 23, requires DPH to use at least $1.6 million of the funds appropriated for the state loan repayment program for repayments for physicians

§ 29 — PHYSICIAN RECRUITMENT WORKING GROUP

Requires the DPH commissioner to convene a working group to advise her on ways to enhance physician recruitment in the state

§§ 30, 32 & 33 — OUT-OF-STATE TELEHEALTH PROVIDERS

Extends PA 21-9's provisions allowing certain out-of-state telehealth providers to provide telehealth services in Connecticut to June 30, 2024; starting July 1, 2024, authorizes certain out-of-state mental and behavioral health service providers to practice telehealth in Connecticut under certain conditions

§ 31 — HOSPITAL FACILITY FEES FOR TELEHEALTH SERVICES

Prohibits hospitals from charging a facility fee for telehealth services, whether those services are provided on or off the hospital campus

§§ 32, 34 & 38 — TEMPORARY EXPANSION OF TELEHEALTH SERVICE DELIVERY REQUIREMENTS

Extends PA 21-9's temporary expanded telehealth requirements for delivering telehealth services by one year to June 30, 2024, and makes minor and technical changes

§§ 35-37 — TEMPORARY INSURANCE COVERAGE REQUIREMENTS FOR TELEHEALTH SERVICES

Extends the temporarily expanded commercial insurance coverage requirements and prohibitions for telehealth services under PA 21-9 by one year to June 30, 2024; clarifies that telehealth excludes audio-only telephone for policies that use a provider network and the telehealth provider is out-of-network; applies the coverage requirements to high deductible health plans to the extent permitted by federal law

§§ 39 & 40 — PERMANENT INSURANCE COVERAGE REQUIREMENTS FOR TELEHEALTH SERVICES

Beginning July 1, 2024, requires commercial insurance policies to cover services provided through telehealth to the same extent that they cover them when provided in person by a Connecticut-licensed provider, rather than by any provider

§ 41 — TELEHEALTH STUDY

Requires OHS to study telehealth services in the state

§ 42 — PSYCHOLOGY INTERJURISDICTIONAL COMPACT

Enters Connecticut into the Psychology Interjurisdictional Compact, which provides a process authorizing psychologists to practice by (1) telehealth and (2) temporary in-person, face-to-face services across state boundaries, without requiring psychologist licensure in each state

§ 43 — INTERSTATE MEDICAL LICENSURE COMPACT

Enters Connecticut into the Interstate Medical Licensure Compact, which provides an expedited licensure process for physicians seeking to practice in multiple states

§ 44 — OEC TECHNICAL ASSISTANCE AND BUSINESS CONSULTING SERVICES EMPLOYEES

Requires OEC, for FY 23, to hire two full-time employees to provide technical assistance and business consulting services for child care services providers

§ 45 — DCF GRANTS TO YOUTH SERVICE BUREAUS

For FY 23, requires the excess amount to be distributed proportionately among the YSBs, if the amount appropriated for grants to them in FY 23 is more than it was for FY 22

§ 46 — OFFICE OF EMERGENCY MEDICAL SERVICES HEALTH PROGRAM ASSOCIATE

Requires DPH to hire a health program associate to administer mobile integrated health care programs for the Office of Emergency Medical Services

§ 1 — DEPARTMENT OF MENTAL HEALTH SERVICES (DMHAS) MOBILE CRISIS RESPONSE SERVICES

Requires DMHAS to make mobile crisis response services available to the public 24 hours a day, seven days a week

The act requires, for FY 23 and each year after, the Department of Mental Health and Addiction Services (DMHAS) to make mobile crisis response services available to the public 24 hours a day, seven days a week.
EFFECTIVE DATE: July 1, 2022

§ 2 — SOCIAL DETERMINANTS OF MENTAL HEALTH FUND

Establishes a "Social Determinants of Mental Health Fund" and requires DCF commissioner to use the funds to help families with the costs of mental health services and treatment for their children

The act creates a "Social Determinants of Mental Health Fund" as a separate, nonlapsing General Fund account that must contain any money the law requires to be deposited into it. The DCF commissioner (1) must use the funds to make grants to families to help them cover the cost of mental health services and treatment for their children and (2) may accept federal funds or private grants or gifts to do so.

The act also requires the commissioner to set eligibility criteria for families to receive assistance based on social determinants of mental health, with the goal of reducing racial, ethnic, gender, and socioeconomic mental health disparities.

Under the act, social determinants of mental health include discrimination and social exclusion, adverse early life experiences, low educational attainment, poor educational quality and educational inequality, poverty, income inequality and living in socioeconomically deprived neighborhoods, food insecurity, unemployment, underemployment and job insecurity, poor housing quality and housing instability, impact of climate change, adverse features of the structures and systems in which persons live or work, and poor access to health care.
EFFECTIVE DATE: July 1, 2022

§§ 3 & 4 — MENTAL HEALTH PLAN FOR STUDENT ATHLETES

Requires SDE to establish, and boards of education to implement, a mental health plan for student athletes to raise awareness about available resources

Under the act, the State Department of Education (SDE) must establish a mental health plan for student athletes in collaboration with the intramural and interscholastic athletics governing authority. (A local or regional board of education governs its own intramural athletics. The Connecticut Interscholastic Athletics Conference, a private nonprofit organization, governs high school interscholastic athletics.)

The plan must be made available to local and regional boards of education to raise awareness about available mental health resources for student athletes, and all boards of education must implement it annually, starting with the 2023-24 school year. SDE must also post the plan on its website and provide technical assistance to boards of education implementing it.

The plan must cover:

1. access to the school district's mental health services team;
2. screening and recognizing appropriate referrals for student athletes;
3. communication among mental health services team members;
4. management of student athlete medication administration;
5. crisis intervention services;
6. mitigation of student athletes' risk; and
7. transition care for student athletes leaving athletics due to graduation, dismissal, or suspension.

EFFECTIVE DATE: July 1, 2022

§ 5 — PIPELINE FOR CONNECTICUT'S FUTURE PROGRAM

Requires SDE, collaborating with DOL, to administer the Pipeline for Connecticut's Future Program

Prior law allowed local or regional boards of education to set up a "Pipeline for Connecticut's Future" program with local businesses to create onsite student training opportunities for course credit. The act instead requires SDE, in collaboration with the Department of Labor (DOL), to administer this program.

Under the act, SDE must help boards of education enhance existing partnerships or make new ones with child care providers and early childhood education programs, as well as partnerships with more fields, such as manufacturing, computer programming, or culinary arts, and one or more local businesses, to offer a pathways program. This program must:

1. help students obtain occupational licenses, participate in apprenticeship opportunities, and gain immediate job skills;
2. provide industry-specific class time and cooperative work placements, onsite and apprenticeship training, and course credit and occupational licenses to students upon completion; and
3. be a pathways program in early child care, education, or mental health services and any additional fields that may lead to a diploma, credential, certificate, or license upon graduation, such as manufacturing, computer programming, or the culinary arts.

Additionally, SDE must provide incentives to boards of education for establishing these partnerships.

EFFECTIVE DATE: July 1, 2022

§ 6 — UCONN STUDY – K-12 SOCIAL MEDIA AND TELEPHONE IMPACT

Requires UConn to study the impact of social media and mobile telephone use on the mental health of K-12 students and report findings and recommendations to the Children and Public Health committees

The act requires UConn's Neag School of Education to (1) study and evaluate the impact of social media and mobile telephone use on a student's mental health from kindergarten through grade 12 and (2) by January 1, 2024, report its findings and any recommendations to the Children and Public Health committees.

Under the act, the study must include how this usage impacts the student's educational experience and the school's climate.

EFFECTIVE DATE: July 1, 2022

§ 7 — FAMILY CHILD CARE HOME STAFFING AND ENROLLMENT

Changes family child care home staffing and enrollment requirements

Under prior law, a family child care home could care for up to six children, including the provider's own children who are not in school full time, plus three more children during the regular school year who are in school full time. However, if the provider has more than three children who are in school full time, then all of the provider's children could attend.

The act maintains the base maximum number of enrolled children at six throughout the year, including the provider's own children who are not enrolled in school full time, in situations where the provider does not employ an OEC-approved assistant or substitute. But if an assistant or substitute is employed, the act allows for up to nine children to be cared for, even if none of the children attend school full time.

By law, unchanged by the act, during the summer months when school is not in session, if the family child care home provider employs an OEC-approved assistant or substitute staff member, then the provider may care for up to three additional school-aged children. Under the law, (1) an assistant or substitute staff member is not required if all the additional school-age children are the provider's own children and (2) if the provider has more than three school-age children, all of them may attend during the summer months, even if this means more than three additional school-age children are attending.
EFFECTIVE DATE: July 1, 2022

§ 8 — FAMILY CARE COORDINATORS

Requires local and regional boards of education to hire or designate a family care coordinator

Each school year, starting with the 2022-23 school year, the act requires each local and regional board of education to hire or designate an existing employee to serve as the district's family care coordinator. The family care coordinator must work with school social workers, school psychologists, and school counselors under the board's jurisdiction and serve as the school system's liaison with mental health service providers to (1) provide students with access to mental health resources in the community and (2) bring mental health services to students in school.
EFFECTIVE DATE: July 1, 2022

§ 9 — WITHHOLDING RECESS AS A FORM OF STUDENT DISCIPLINE

Requires local and regional boards of education to adopt policies addressing the withholding of recess as a form of student discipline and specifies requirements and limitations for these policies

For each school year, starting with the 2022-23 school year, the act requires each local and regional board of education to adopt a policy it deems appropriate concerning the circumstances when, as a form of discipline, a school employee may prevent or otherwise restrict a student from participating in the entire time devoted to physical exercise (i.e., recess) in the regular school day.

Under the act, the policy must allow school employees to prevent or restrict recess when:

1. a student poses a danger to the health or safety of other students or school personnel or
2. it is limited to the shorter recess period if there are two or more recess periods in the school day, so long as the student is allowed to participate in at least 20 minutes of physical activity during the school day.

The policy may allow recess prevention or restriction only once during a school week unless the student is a danger to the health or safety of other students or school personnel.

Additionally, the policy must not (1) include provisions that are unreasonably restrictive or punitive, as determined by the board, or (2) allow recess prevention or restriction if a student does not complete their work on time or for the student's academic performance.

Under the act, the recess policy must also distinguish between discipline that:

1. is imposed before recess begins and discipline imposed during recess and
2. (a) prevents or otherwise restricts a student from participating in recess before recess and (b) uses methods to redirect a student's behavior during recess.

The act also eliminates a more general provision requiring that the local and regional boards of education develop a recess policy by October 1, 2019, on school employees preventing students from participating in recess as a form a discipline. It also makes conforming changes.
EFFECTIVE DATE: Upon passage

§§ 10 & 11 — CHILDREN'S MENTAL HEALTH DAY

Requires (1) the governor to proclaim May 26 of each year to be "Get Outside and Play for Children's Mental Health Day" and (2) SDE to provide annual notice about the day to school boards starting with the 2022-2023 school year

The act requires the governor to proclaim May 26 of each year to be "Get Outside and Play for Children's Mental Health Day" to raise awareness about children's mental health and the positive effect that being outdoors has on children's mental health and wellness. Under the act, suitable exercises must be held in the State Capitol and in the public schools on that day or, if that day is not a school day, on the previous school day or on any day the local or regional school board prescribes.

The act also requires the SDE, starting with the 2022-2023 school year, to provide annual notice to local and regional school boards about the designated day, including any suggestions or materials for suitable exercises that may be held to observe it.

EFFECTIVE DATE: October 1, 2022, except the SDE notice requirement is effective July 1, 2022.

§ 12 — PAYMENT TO EARLY INTERVENTION SERVICES PROVIDERS

For FYs 23 & 24, requires the OEC commissioner to make a $200 general administrative payment to early intervention service providers for each child with an individualized family service plan that accounts for less than nine service hours during the acting month

For FYs 23 & 24, the act requires the OEC commissioner to make a $200 general administrative payment to early intervention service providers for each child (1) with an individualized family service plan on the first day of the acting month and (2) whose plan accounts for less than nine service hours during the acting month, as long as the provider delivers at least one service during the month.

EFFECTIVE DATE: July 1, 2022

§ 13 — CHILD CARE CENTER TAX ABATEMENT

Authorizes municipalities to establish a property tax abatement for certain properties used for child care centers, group child care homes, or family child care homes

The act authorizes municipalities to establish a property tax abatement for property or part of a property (1) used for operating a child care center, group child care home, or family child care home and (2) owned by the person, persons, association, organization, corporation, institution, or agency holding the child care license. Under the act, municipalities may abate up to 100% of property taxes due on the property for up to five tax years.

Municipalities may establish the tax abatement by vote of their legislative bodies, or board of selectmen where the town meeting is the legislative body.

EFFECTIVE DATE: October 1, 2022, and applicable to assessment years beginning on or after that date.

§§ 14 & 15 — OEC REGULATIONS ON PARENTAL NOTIFICATION

Requires the OEC commissioner to adopt regulations requiring child care facilities to notify parents about certain incidents resulting in a child's injury or illness

The act requires the OEC commissioner to adopt regulations requiring child care centers, group child care homes, and family child care homes to (1) immediately notify an enrolled child's parent or guardian if the child exhibits or develops an illness or is injured while in the care of the center or home and (2) create a specific written record of the illness or injury. Under the act, "illness" means fever, vomiting, diarrhea, rash, headache, persistent coughing, persistent crying, or any other condition the OEC commissioner deems an illness.

The written record must include:

1. a description of the illness or injury;
2. the date, time, and location of the incident;
3. any action an employee takes in response; and
4. whether the child was transported to an emergency room, a doctor's office, or other medical facility because of the illness or injury.

Under the act, OEC's regulations must require child care centers, group child care homes, and family child care homes to:

1. provide the written record of an illness or injury to the child's parent or guardian by the next business day;
2. keep the written record for at least two years, and make it available immediately upon OEC's request; and

3. maintain any video recordings created at the center or home for at least 30 days and make them immediately available upon OEC's request. It also makes conforming changes.

EFFECTIVE DATE: July 1, 2022

§ 16 — DCF COST OFFSET AND BENEFIT PAYMENT POLICY

Prohibits DCF from using a child's Social Security disability benefits to offset the cost of their care while in DCF care and custody, and requires the DCF commissioner to establish a policy to manage these benefits

The act prohibits DCF from using Social Security disability benefits received by a child or youth in DCF care and custody to offset the cost of the child's care.

The act also requires the DCF commissioner, by January 1, 2023, to establish a policy on the management and expenditure of Social Security disability insurance benefit payments received by, or on behalf of, children and youths in the department's care and custody. Under the act, the policy must require (1) benefit payments to be deposited into a trust account maintained to receive such deposits and (2) records to be maintained concerning the total sum and remaining balance of payments deposited on each child or youth's behalf. The policy must also include guidelines on the management and oversight of each account and permissible and impermissible withdrawals from the account by children or youths or their guardians.

The act allows DCF to employ personnel to implement the above provisions.

EFFECTIVE DATE: July 1, 2022

§ 17 — DPH PILOT GRANT PROGRAM EXPANDING BEHAVIORAL HEALTH CARE FOR CHILDREN BY PEDIATRIC CARE PROVIDERS

Requires DPH, in consultation with DSS, to establish a pilot program to expand behavioral health care services to children by pediatric care providers in private practices

By July 1, 2023, the act requires the Department of Public Health (DPH) commissioner, in consultation with the Department of Social Services (DSS) commissioner, to establish a pilot grant program to expand behavioral health care offered to children by pediatric care providers in private practices.

Under the act, the DPH commissioner must establish the program, within available appropriations, to provide eligible providers a 50% match for the salaries of licensed social workers. Under the program, these social workers provide counseling and other services to children receiving primary health care from the providers. Additionally, the commissioner must (1) prescribe forms and criteria for the providers to apply and qualify for grant funds and (2) require the providers to report on how they use the funds to expand behavioral health care for children.

EFFECTIVE DATE: July 1, 2022

§§ 18-20 — SAFE STORAGE OF PRESCRIPTION DRUGS AND CANNABIS

Requires DCP to develop documents on the safe storage and disposal of opioid drugs and cannabis and cannabis products and post the documents online; requires pharmacies, cannabis retailers, and hybrid retailers to post notices about these documents on their premises

The act requires the Department of Consumer Protection (DCP), by December 1, 2022, to develop documents on consumers' safe storage and disposal of opioid drugs, cannabis, and cannabis products that include information on best practices for (1) safely storing these drugs, cannabis, and products in a way that makes them inaccessible to children and (2) disposing of the unused and expired ones.

The act also requires the DCP commissioner to post the documents on the DCP website by December 15, 2022.

Additionally, the act requires pharmacies, cannabis retailers, and hybrid retailers, by January 1, 2023, to post a sign in a conspicuous place on their premises notifying consumers that they may visit DCP's website for information on safe storage and disposal.

EFFECTIVE DATE: July 1, 2022

§ 21 — HOSPICE DISPOSAL OF CONTROLLED SUBSTANCE

Requires certain hospice and hospice care programs to dispose of any unconsumed (presumably) controlled substance they dispensed or administered to a terminally ill person

The act requires licensed hospice and hospice care programs that provide hospice home care services for terminally ill people to dispose any controlled substance that they dispensed or administered to a terminally ill person. They must do so as soon as practicable after the person's death in a way that complies with (1) existing law's requirements for disposing controlled substances by home health care agencies and (2) any other applicable state and federal laws.

Under the act, a "controlled substance" is a drug, substance, or immediate precursor in schedules I to V of Connecticut's controlled substance scheduling regulations. The term does not include alcohol, nicotine, or caffeine.

Background — Controlled Substance Disposal Protocol

Under existing law, a DPH-licensed registered nurse at a home health care agency may, with the permission of the patient's designated representative, oversee the destruction and disposal of a patient's controlled substances, using DCP's recommendations on how to do so. The registered nurse must maintain written or electronic documentation for three years on a form prescribed by DCP, which must be maintained with the patient's medical record. Under the law, the registered nurse and the patient's designated representative must not be prevented from depositing the patient's controlled substances in a statutorily authorized prescription drug drop box (CGS § 21a-262).

EFFECTIVE DATE: October 1, 2022

§ 22 — CHILD CARE TAX CREDIT STUDY

Requires DRS to conduct a study to identify options for establishing a personal income tax credit for taxpayers with dependent children enrolled in child care

The act requires the Department of Revenue Services (DRS) commissioner to conduct a study to identify options for establishing a personal income tax credit for taxpayers with dependent children enrolled in child care. The commissioner must report on the study's findings and any recommendations to the Children's Committee by January 1, 2023.

EFFECTIVE DATE: Upon passage

§ 23 — OUT-OF-POCKET MEDICAL COSTS FOR CHILD CARE FACILITY EMPLOYEES

Requires DSS, in consultation with the State Comptroller, to conduct a study to identify ways the state can financially assist child care facility employees with out-of-pocket medical costs

The act requires the DSS commissioner, in consultation with the state comptroller, to study ways the state can provide financial assistance to child care facility employees for out-of-pocket medical costs.

By January 1, 2024, the commissioner must report to the Children's Committee on the study's findings, which must include an analysis of whether child care facility employees are eligible to participate in any state employee health insurance plan under development and any legislative recommendations.

EFFECTIVE DATE: Upon passage

§ 24 — TASK FORCE TO STUDY CHILDREN'S NEEDS

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

PA 21-46 (§ 30) established a 25-member task force to study the (1) comprehensive needs of children in the state and (2) extent to which the needs are being met by educators, community members, and local and state agencies. The task force submitted its findings to the Children's Committee in December of 2021 and terminated on January 1, 2022.

Task Force Reconvened

The act reconvenes the task force to continue to study children's needs and tasks them with the same responsibilities as before, and also requires them to make recommendations to meet the demand for infant and toddler care in the state by

(1) increasing access to and enrollment in child care centers, group child care homes, and family child care homes; and (2) identifying resources to help child care facilities meet demand.

The act also requires the task force to study the feasibility of adjusting school start times to improve students' mental and physical well-being.

As under PA 21-46 (§ 30), the act requires the task force to:

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

Membership and Appointing Authorities

The act requires the task force to consist of the following members appointed under PA 21-46 (§ 30):

1. an educator employed by a local or regional board of education and a licensed social worker working with children, both appointed by the House speaker;
2. a representative of the board of directors of the Association for Supervision and Curriculum Development affiliate in the state and a representative of a higher education institution in the state, both appointed by the Senate president pro tempore;
3. a school administrator employed by a local or regional board of education, appointed by the House majority leader;
4. a chairperson of a local or regional board of education, appointed by the Senate majority leader;
5. a director or employee of a private nonprofit organization in the state that provides services or programs for children, appointed by the House minority leader;
6. a director or employee of a private nonprofit organization in the state that provides health-related services or programs for children, appointed by the Senate minority leader;
7. the agriculture, children and families, developmental services, early childhood, economic and community development, education, housing, labor, mental health and addiction services, public health, social services, and transportation commissioners or their designees;
8. the healthcare advocate or his designee;
9. the Commission on Human Rights and Opportunities executive director or her designee;
10. the Technical Education and Career System superintendent or his designee;
11. the chief court administrator or his designee; and
12. the director of Special Education Equity for Kids of Connecticut or the director's designee.

Under the act, if any member declines an appointment the appointing authority must select a new appointee and legislators may be appointed to the taskforce. All initial appointments must be made by June 23, 2022. The appointing authority must fill any vacancy within 30 days. Task force chairpersons may fill a vacancy if it is not filled by the appointing authority.

The House speaker and the Senate president pro tempore must select the chairpersons of the task force from among its members. The chairpersons must schedule and hold the task force's first meeting by July 23, 2022.

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

Reporting Requirements

The act requires the task force to update the report under PA 21-46 (§ 30) twice and submit it and any additional findings and recommendations to the Children's Committee by January 1, 2023, and January 1, 2024. The task force terminates on the date that it submits the report or January 1, 2024, whichever is later.

EFFECTIVE DATE: Upon passage

§ 25 — MEDICAID STATE PLAN EXPANSION

Expands the Medicaid state plan to include services provided by certain associate licensed behavioral health clinicians under an enrolled independent licensed behavioral health clinician's supervision

The act requires the DSS commissioner, by October 1, 2022, to provide Medicaid payments to an enrolled, independent, licensed behavioral health clinician in private practice for covered services performed by an associate licensed behavioral health clinician under the independent clinician's supervision. This requirement applies if the (1) associate clinician is working within his or her scope of practice and (2) independent clinician is authorized under state law to supervise the associate clinician and complies with any supervision and documentation requirements required by law.

Under this provision an "independent licensed behavioral health clinician" is a licensed psychologist, marital and family therapist, clinical social worker, or professional counselor. An "associate licensed behavioral health clinician" is a licensed marital and family therapy associate, master social worker, or professional counselor associate. "Private practice" means a practice setting that does not require a facility or institutional license and includes both solo and group practices of independent licensed behavioral health clinicians.

The act specifies that its provisions do not alter any requirements applicable to these services, including scope of practice, supervision, and documentation requirements.

EFFECTIVE DATE: July 1, 2022

§ 26 — LICENSURE BY RECIPROCITY OR ENDORSEMENT FOR SPEECH AND LANGUAGE PATHOLOGISTS AND OCCUPATIONAL THERAPISTS

Requires DPH, in consultation with OEC, to develop and implement a plan to establish licensure by reciprocity or endorsement for speech and language pathologists and occupational therapists licensed in other states who intend to provide services under the Birth-to-Three program

The act requires the DPH commissioner, in consultation with the OEC commissioner, to develop and implement a plan to establish licensure by reciprocity or endorsement for speech and language pathologists and occupational therapists who are licensed or certified (or otherwise entitled to provide these services under a different designation) in other states.

For this licensure to apply, the:

1. other state must have requirements for practicing that are substantially similar to, or higher than, Connecticut's;
2. applicant must have no disciplinary history or pending unresolved complaints; and
3. applicant must intend to provide early intervention services by working for a participating program under the Birth-to-Three program.

When developing and implementing the plan, the DPH commissioner must consider eliminating barriers to the expedient licensure of these professionals, to immediately address the needs of children receiving Birth-to-Three early intervention services.

Under the act, any interstate licensure compact the state adopts on speech and language pathologists or occupational therapists supersedes the act's program for licensure by endorsement or reciprocity.

By January 1, 2023, the DPH commissioner must implement and report on the plan to the Children's and Public Health committees, including recommendations for any necessary related legislation.

EFFECTIVE DATE: Upon passage

Background — Examination Waiver or Licensure by Endorsement Under Existing Law

Under existing law, for speech and language pathologists, DPH may waive the written examination requirement for licensure if the applicant (1) is licensed in another U.S. state or territory with licensing requirements at least equivalent to Connecticut's or (2) holds a certificate from an approved national organization (CGS § 20-411(b)). For occupational therapists, DPH may grant a license by endorsement to an applicant who (1) is licensed or certified in another state or jurisdiction (or entitled to perform similar services under a different designation) with practice requirements that are substantially similar to Connecticut's and (2) has no pending disciplinary action or unresolved complaints (CGS § 20-74c).

§ 27 — CONNECTICUT ALCOHOL AND DRUG POLICY COUNCIL

Adds the child advocate, or her designee, to the Connecticut Alcohol and Drug Policy Council within DMHAS

The act adds the child advocate, or her designee, to the Connecticut Alcohol and Drug Policy Council within DMHAS. By law, among other things, the council must (1) review policies and practices of state agencies and the judicial department

on substance abuse treatment programs and prevention services, referral of people to these programs and services, and criminal justice sanctions and programs; and (2) develop and coordinate a state-wide, interagency, integrated plan for these programs and services and criminal sanctions.
EFFECTIVE DATE: July 1, 2022

§ 28 — DPH PRIMARY CARE DIRECT SERVICES PROGRAM

Requires community-based primary care services providers participating in DPH's direct service program to provide, or arrange access to, behavioral health services; makes certain mental health professionals eligible for the state loan repayment program; for FY 23, requires DPH to use at least $1.6 million of the funds appropriated for the state loan repayment program for repayments for physicians

Existing law requires the DPH commissioner to establish, within available resources, a program to provide three-year grants to community-based primary care services providers to expand access to health care for the uninsured. The grants may be used for, among other things, (1) direct services; (2) loan repayment to primary care clinicians (e.g., family practice physicians); and (3) capital expenditures.

Community Based Primary Care Providers

Existing law requires the community-based primary care providers under the direct service program to provide, or arrange access to, certain health services (e.g., primary and preventive services). The act requires them to also provide, or arrange access to, behavioral health services.

Primary Care Clinicians

The act makes psychiatrists, psychologists, licensed clinical social workers, licensed marriage and family therapists, and licensed professional counselors eligible for the state loan repayment program. It does so by broadening the program's definition of "primary care clinicians" to include these professional designations. Under existing law, "primary care clinicians" also include family practice physicians, general practice osteopaths, obstetricians and gynecologists, internal medicine physicians, pediatricians, dentists, certified nurse midwives, advanced practice registered nurses, physician assistants, and dental hygienists.

State Loan Repayment Program

Under the act, for FY 23, DPH must spend at least $1.6 million of the funds appropriated for the state loan repayment program for repayments for qualifying physicians. It may spend any remaining funds for other health care providers.

Under the act, a qualifying "physician" is any state licensed physician who (1) graduated from a Connecticut medical school or completed his or her medical residency program at a Connecticut licensed hospital and (2) is employed as a physician in the state.

Under existing law, funds appropriated for the state loan repayment program do not lapse until 15 months after the end of the fiscal year for which they were appropriated.
EFFECTIVE DATE: Upon passage

§ 29 — PHYSICIAN RECRUITMENT WORKING GROUP

Requires the DPH commissioner to convene a working group to advise her on ways to enhance physician recruitment in the state

The act requires the DPH commissioner, by January 1, 2023, to convene a working group to advise her on ways to enhance physician recruitment in the state. The group must report its findings to the commissioner and the Public Health Committee by January 1, 2024.

The working group must examine at least the following issues:

1. recruiting, retaining, and compensating primary care, psychiatric, and behavioral health care providers;
2. the potential effectiveness of student loan forgiveness;
3. barriers to recruiting and retaining physicians due to non-compete clauses;
4. access to health care providers and any effect of the health insurance landscape on limiting health care access;

5. barriers to physicians participating in health care networks; and
6. assistance for graduate medical education training.

The working group must include at least the following 14 members, as shown in the table below.

Physician Recruitment Working Group Required Membership

One representative each from an in-state hospital association, in-state medical society, and a regional physician recruiter association
Two state-licensed physicians: • one from a small group practice (i.e., less than eight full-time equivalent physicians) • one from a multisite group practice (i.e., a group with over 100 full-time equivalent physicians practicing across the state)
One representative each from at least three different medical schools
The human resources director of at least one in-state hospital
One member of a patient advocacy group
Four public members

The act requires the group to elect chairpersons from among its members.

EFFECTIVE DATE: July 1, 2022

§§ 30, 32 & 33 — OUT-OF-STATE TELEHEALTH PROVIDERS

Extends PA 21-9's provisions allowing certain out-of-state telehealth providers to provide telehealth services in Connecticut to June 30, 2024; starting July 1, 2024, authorizes certain out-of-state mental and behavioral health service providers to practice telehealth in Connecticut under certain conditions

Temporary Out-of-State Providers

PA 21-9 temporarily allows out-of-state authorized telehealth providers (see Background) to practice telehealth in Connecticut until June 30, 2023. The act extends this authorization by one year until June 30, 2024. As under PA 21-9, the act requires these providers to:

1. be appropriately licensed, certified, or registered in another U.S. state or territory, or the District of Columbia;
2. be authorized to practice telehealth under any relevant order issued by the DPH commissioner; and
3. have professional liability insurance or other indemnity against professional malpractice liability in an amount at least equal to that required for Connecticut health providers.

The act also extends until June 30, 2024, the requirement under PA 21-9 that Connecticut entities, providers, or institutions who contract with out-of-state telehealth providers:

1. verify the provider's credentials to ensure the provider is certified, licensed, or registered and in good standing in his or her home jurisdiction and
2. confirm that the telehealth provider has professional liability insurance or other indemnity against professional malpractice liability in an amount at least equal to that required for Connecticut health providers. (The act does not extend this requirement to mental and behavioral health providers below.)

Mental and Behavioral Health Providers

Starting July 1, 2024, the act authorizes out-of-state mental or behavioral health service providers to practice telehealth in Connecticut if the provider:

1. is appropriately licensed, certified, or registered in another U.S. state or territory, or the District of Columbia, as a physician, naturopath, registered nurse, advanced practice registered nurse, physician assistant, psychologist, marital and family therapist, clinical or master social worker, alcohol and drug counselor, professional counselor, dietician-nutritionist, nurse-midwife, behavior analyst, or music or art therapist;
2. provides telehealth services under a relevant DPH order (see below);
3. provides mental or behavioral health services within his or her professional scope of practice and professional standards of care; and

4. maintains professional liability insurance or other indemnity against professional malpractice liability in an amount that at least equals what is required in Connecticut for these providers.

The act correspondingly permits the DPH commissioner to issue an order authorizing out-of-state telehealth providers to practice in Connecticut that may do the following:

1. limit the duration of this practice or the types of authorized telehealth providers allowed to do so and
2. impose conditions, including requiring out-of-state telehealth providers to apply for licensure, certification, or registration, as applicable.

Under the act, the commissioner may suspend or revoke an out-of-state telehealth provider's authorization to practice in Connecticut if he or she violates any condition the commissioner imposes or any applicable statutory requirements.

The act specifies that an order the commissioner issues authorizing out-of-state telehealth providers to practice in Connecticut is not a regulation under the Uniform Administrative Procedure Act.

EFFECTIVE DATE: Upon passage, except the provision on DPH orders authorizing out-of-state providers to practice telehealth in Connecticut takes effect July 1, 2022.

Background — Authorized Telehealth Providers

Under PA 21-9 and the act, authorized telehealth providers until June 30, 2024, include advanced practice registered nurses, alcohol and drug counselors, art therapists, athletic trainers, audiologists, behavior analysts, certified dietician-nutritionists, chiropractors, clinical and master social workers, dentists, genetic counselors, marital and family therapists, music therapists, naturopaths, occupational or physical therapists and therapist assistants, optometrists, paramedics, pharmacists, physicians, physician assistants, podiatrists, professional counselors, psychologists, registered nurses, respiratory care practitioners, and speech and language pathologists.

§ 31 — HOSPITAL FACILITY FEES FOR TELEHEALTH SERVICES

Prohibits hospitals from charging a facility fee for telehealth services, whether those services are provided on or off the hospital campus

The act prohibits hospitals from charging facility fees for telehealth services, whether those services are provided on or off the hospital campus. (Existing law prohibits telehealth providers from charging facility fees.)

By law, a "facility fee" is a fee a hospital charges for bills for outpatient services provided in a hospital-based facility to compensate the hospital for its operational expenses. It is separate and distinct from a professional fee for medical services (CGS § 19a-508c).

EFFECTIVE DATE: Upon passage

§§ 32, 34 & 38 — TEMPORARY EXPANSION OF TELEHEALTH SERVICE DELIVERY REQUIREMENTS

Extends PA 21-9's temporary expanded telehealth requirements for delivering telehealth services by one year to June 30, 2024, and makes minor and technical changes

Existing law generally sets requirements for the provision of telehealth services by authorized providers. PA 21-9 temporarily replaces these requirements with similar, but more expansive, requirements for authorized providers who are (1) in-network providers for fully insured health plans or (2) Connecticut Medical Assistance Program ("CMAP," i.e., Medicaid and HUSKY B) providers until June 30, 2023. The act extends the more expansive requirements described below by one year until June 30, 2024, and applies them to all authorized telehealth providers, instead of only in-network and CMAP telehealth providers.

The act also extends by one year until June 30, 2024, a provision in PA 21-9 that permits physicians and advanced practice registered nurses 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. As under prior law, they may do so despite existing laws, regulations, policies, or procedures on medical marijuana certifications.

Audio-Only Telephone

The act allows authorized telehealth providers to provide telehealth services via audio-only telephone until June 30, 2024. Under existing law, "telehealth" excludes fax, texting, and email. It includes:

1. interaction between a patient at an originating site and the telehealth provider at a distant site and

2. synchronous (real-time) interactions, asynchronous store and forward transfers (transmitting medical information from the patient to the telehealth provider for review at a later time), or remote patient monitoring.

Service Provision

By law, a telehealth provider can provide telehealth services to a patient only when the provider has met certain requirements, such as (1) having access to, or knowledge of, the patient's medical history and health record and (2) conforming to his or her professional standard of care expected for in-person care appropriate for the patient's age and presenting condition.

The act extends, until June 30, 2024, the requirement that the provider also determine whether the (1) patient has health coverage that is fully insured, not fully insured, or provided through CMAP and (2) coverage includes telehealth services. It also extends telehealth providers' authority to provide telehealth services from any location, regardless of any state licensing standards and subject to compliance with applicable federal requirements.

Initial Telehealth Interactions

Existing law requires a provider, at the first telehealth interaction with a patient, to document in the patient's medical record that he or she obtained the patient's consent after giving information about telehealth methods and limitations.

The act extends, until June 30, 2024, the requirement that this includes information on the limited duration of the act's provisions. A patient's revocation of consent must also be documented in their medical record.

Use of Additional Communication Technologies

The act extends the requirement that telehealth services and health records comply with the Health Insurance Portability and Accountability Act (HIPAA) by allowing telehealth providers to use more information and communication technologies in accordance with HIPAA requirements for remote communication as directed by the federal Department of Health and Human Services' Office of Civil Rights (e.g., certain third-party video communication applications, such as Apple FaceTime, Skype, or Facebook Messenger).

The act allows the use of these additional information and communication technologies until June 30, 2024.

Payment for Uninsured and Underinsured Patients

The act extends the requirement that a telehealth provider determine whether the patient has health coverage for the telehealth services provided. The provider must accept the following as payment in full for telehealth services until June 30, 2024:

1. for patients who do not have health insurance coverage for telehealth services, an amount equal to the Medicare reimbursement rate for the telehealth services or
2. for patients with health insurance coverage, the amount the carrier reimburses for telehealth services and any cost sharing (e.g., copay, coinsurance, deductible) or other out-of-pocket expense imposed by the health plan.

For the latter, if the plan uses a provider network, the act prohibits this amount from exceeding the in-network amount, regardless of the telehealth provider's network status.

As under PA 21-9, the act requires a telehealth provider who determines that a patient cannot pay for telehealth services to offer the patient financial assistance to the extent required under federal or state law.

DPH Regulatory Requirements

Regardless of existing law, PA 21-9 authorizes the DPH commissioner to waive, modify, or suspend regulatory requirements adopted by DPH or state licensing boards and commissions regarding health care professions, health care facilities, emergency medical services, and other specified topics.

Under the act, she may do this until June 30, 2024, as she deems necessary to reduce the spread of COVID-19 and protect the public health.

EFFECTIVE DATE: Upon passage

§§ 35-37 — TEMPORARY INSURANCE COVERAGE REQUIREMENTS FOR TELEHEALTH SERVICES

Extends the temporarily expanded commercial insurance coverage requirements and prohibitions for telehealth services under PA 21-9 by one year to June 30, 2024; clarifies that telehealth excludes audio-only telephone for policies that use a provider network and the telehealth provider is out-of-network; applies the coverage requirements to high deductible health plans to the extent permitted by federal law

Extension of Temporarily Expanded Coverage Requirements

Existing law generally sets requirements and restrictions for health insurance coverage of telehealth services. PA 21-9 temporarily replaces these requirements with similar but more expansive requirements for telehealth coverage until June 30, 2023. This act extends the more expansive requirements until June 30, 2024.

Coverage Required

As in existing law and PA 21-9, the act requires certain commercial health insurance policies to cover medical advice, diagnosis, care, or treatment provided through telehealth to the extent that they cover those services when provided in person. It generally subjects telehealth coverage to the same terms and conditions that apply to other benefits under a health policy. Insurers, HMOs, and related entities may conduct utilization reviews for telehealth services as they do for in-person services, including using the same clinical review criteria. (The act specifies that telehealth excludes audio-only telephone for policies that use a provider network and when the telehealth provider is out-of-network.)

Prohibitions

Under the act, as under PA 21-9, health insurance policies cannot exclude coverage (1) just because a service is provided through telehealth, so long as telehealth is appropriate, or (2) for a telehealth platform that a telehealth provider selects. Also, telehealth providers who receive reimbursement for providing a telehealth service may not seek any payment from the insured patient except for cost sharing (e.g., copay, coinsurance, deductible) and must accept the amount as payment in full. Lastly, the act prohibits health carriers (e.g., insurers and HMOs), until June 30, 2024, from reducing the amount of reimbursement they pay to telehealth providers for covered services appropriately provided through telehealth instead of in person.

Applicability

The act applies to fully insured individual and group health insurance policies in effect any time from May 10, 2021, until June 30, 2024, 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.)

The act also applies these requirements to high deductible health plans (HDHPs) to the maximum extent permitted by federal law. If the HDHP is used to establish a health savings, or similar, account, the act applies to the maximum extent permitted by federal law that does not affect the account's tax preferred status.

EFFECTIVE DATE: Upon passage

§§ 39 & 40 — PERMANENT INSURANCE COVERAGE REQUIREMENTS FOR TELEHEALTH SERVICES

Beginning July 1, 2024, requires commercial insurance policies to cover services provided through telehealth to the same extent that they cover them when provided in person by a Connecticut-licensed provider, rather than by any provider

Beginning July 1, 2024, following the sunset of the temporary insurance coverage provisions noted above (§§ 35-37), the act requires certain health insurance policies to cover medical advice, diagnosis, care, or treatment provided through telehealth to the same extent that they cover those services when provided in person by a health care provider licensed in Connecticut. Prior law required the coverage to the extent the service is covered in person by any provider.

The act applies to fully insured individual and group health insurance policies that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. (Because of ERISA, state insurance benefit mandates do not apply to self-insured benefit plans.)

EFFECTIVE DATE: July 1, 2024

§ 41 — TELEHEALTH STUDY

Requires OHS to study telehealth services in the state

The act requires the Office of Health and Strategy (OHS) executive director to study the provision of, and coverage for, telehealth services in the state. The study must include (1) the feasibility and impact of expanding access to telehealth services, telehealth providers, and coverage for telehealth services in the state beginning July 1, 2024, and (2) any means available to reduce or eliminate obstacles to these services, including reducing patient costs.

The act requires the OHS executive director, by January 1, 2023, to report its findings to the Public Health, Human Services, and Insurance committees.

EFFECTIVE DATE: Upon passage

§ 42 — PSYCHOLOGY INTERJURISDICTIONAL COMPACT

Enters Connecticut into the Psychology Interjurisdictional Compact, which provides a process authorizing psychologists to practice by (1) telehealth and (2) temporary in-person, face-to-face services across state boundaries, without requiring psychologist licensure in each state

The act enters Connecticut into the Psychology Interjurisdictional Compact (PSYPACT). The compact creates a process authorizing psychologists to practice by (1) telehealth (unlimited) and (2) temporary in-person, face-to-face services (30 days per year per state) across state boundaries, without requiring psychologist licensure in each state. A psychologist can apply for authorization for either or both types of interjurisdictional practice under the compact.

Among various other provisions, the compact:

1. sets eligibility criteria for psychologists to practice under the compact;
2. is overseen by a commission of representatives from the participating states;
3. addresses several matters related to disciplinary actions for psychologists practicing under the compact, such as information sharing among participating states and automatic suspension of practice in some circumstances;
4. allows the commission to levy an annual assessment on participating states to cover the cost of its operations;
5. provides that amendments to the compact only take effect if all participating states adopt them into law; and
6. provides a process for states to withdraw from the compact.

A broad overview of the compact appears below.

EFFECTIVE DATE: October 1, 2022

Compact Overview

PSYPACT creates a process authorizing (1) telepsychology (i.e., telehealth) or (2) temporary in-person, face-to-face practice in other compact states, without requiring psychologist licensure in each of the states.

Under the compact, "telepsychology" is the provision of psychological services using telecommunication technologies. "Temporary in-person, face-to-face practice" is the practice of psychology by a psychologist who is physically present, not through telecommunications technologies, in another state for up to 30 days in a calendar year and based on notification to that state.

Under the compact, a "state" is a U.S. state, commonwealth, territory, or possession or the District of Columbia.

A "home state" is a compact state where a psychologist is licensed. If a psychologist is licensed in multiple compact states: (1) for telepsychology, the home state is the compact state where the psychologist is physically present when delivering those services, and (2) for temporary in-person practice, the home state is any state where the psychologist is licensed and practicing under the compact.

A "receiving state" is a compact state where the client or patient is physically located when the telepsychological services are delivered. A "distant state" is the compact state where a psychologist is physically present to provide temporary in-person, face-to-face services.

Eligibility and Conditions of Practice (§ 42, Art. III-VI)

Under the compact, a home state's license authorizes a psychologist to practice in a receiving state (for telepsychology) or distant state (for temporary in-person services) only if the compact state meets the following criteria:

1. requires the psychologist to hold an active E.Passport (for telepsychology) or Interjurisdictional Practice Certificate (IPC) (for temporary in-person services);

2. has a mechanism to receive and investigate complaints about licensed individuals;
3. notifies the commission (see below), in compliance with the compact's terms, about any adverse action (generally, public disciplinary action) or significant investigatory information about a licensed individual;
4. requires an identity history summary (e.g., FBI data on arrests) of all applicants at initial licensure (including fingerprints or other biometric data checks), no later than 10 years after the compact's activation; and
5. complies with the commission's rules and bylaws.

To be eligible to practice interjurisdictional telepsychology or through temporary in-person services under the compact, a psychologist must hold an unrestricted license in a compact state and hold a graduate psychology degree.

The degree-granting higher education institution must meet specified accreditation or similar requirements (depending on whether it is a domestic or foreign school). The psychology program itself also must meet several requirements, such as (1) being clearly identified and labeled as a psychology program, (2) including a curriculum of at least three academic years of full-time graduate study for a doctorate, and (3) including an acceptable residency.

The psychologist also must meet the following criteria:

1. have no adverse action or criminal record history that violates the commission's rules;
2. possess a current, active E.Passport (for telepsychology) or IPC (for temporary in-person practice);
3. provide attestations on specified matters (e.g., areas of intended practice) and an information release; and
4. meet other criteria as defined by commission rules.

Under the compact, "E.Passport" is the certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes standardization in interjurisdictional telepsychology practice criteria and facilitates the process for licensed psychologists to provide telepsychological services across state lines. The "IPC" is the certificate issued by the ASPPB that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verification of qualification for that practice.

Currently, many of the specific requirements for the E.Passport and IPC are similar. For example, both require the psychologist to have a current license based on a doctorate. Both the E.Passport and IPC require annual renewal; the former requires three hours of continuing education on the use of technology in psychology.

The compact also makes other rules for states to maintain authority over a psychologist practicing under the compact. For example, it provides that:

1. the home state maintains authority over the license of any psychologist practicing in a receiving state under the authority to practice interjurisdictional telepsychology;
2. a psychologist practicing in a distant state under the temporary authorization to practice is subject to that state's authority and law; and
3. a psychologist practicing under the compact must do so within the scope of practice of the receiving or distant state (for telepsychology or temporary in-person practice, respectively).

For telepsychology under the compact, the psychologist also must (1) initiate the client or patient contact in a home state via telecommunications technologies and (2) comply with other commission rules.

Adverse Actions, Regulatory Board Authority, and Coordinated Licensure Information System (§ 42, Art. IV-V, VII-IX)

The compact addresses several matters related to investigating and disciplining psychologists practicing under its procedures, including the following examples:

1. a home state may discipline a psychologist licensed by that state, and a receiving or distant state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice in that state under the compact;
2. if the home state or a receiving or distant state takes that action, the psychologist's E.Passport or IPC is revoked;
3. a home state's psychology regulatory authority must investigate and take appropriate action on reported inappropriate conduct in a receiving state as if the conduct happened in the home state and the home state's law controls in determining any adverse action against the licensee;
4. a distant state's psychology regulatory authority must investigate and take appropriate action on reported inappropriate conduct in that state as if the conduct happened in the home state, and the distant state's law controls in determining any adverse action against the psychologist's authorization to practice;
5. in addition to authority granted under state laws, psychology regulatory boards have specified authority under the compact, such as issuing cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice;
6. psychologists cannot change their home state licensure during an investigation and home state regulatory authorities must promptly report the conclusion of investigations to the commission;
7. the commission must develop a coordinated database for compact states to report and share information on

disciplinary action against psychologists; and
8. compact states must submit the same information on all licensees for inclusion in the database and the database administrator must promptly notify all compact states about any adverse action against, or significant investigative information on, any licensee in a compact state.

Psychology Interjurisdictional Compact Commission (§ 42, Art. X-XI)

The compact is administered by the Psychology Interjurisdictional Compact Commission, which consists of one voting member appointed by each compact state's psychology regulatory authority. The compact sets forth several powers, duties, and procedures for the commission. For example, the commission:

1. may promulgate rules to facilitate and coordinate the compact's implementation and administration (a rule has no effect if a majority of the compact states' legislatures reject it in the same way used to adopt the compact),
2. may levy and collect an annual assessment from each compact state and 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.

Compact Oversight, Enforcement, Member Withdrawal, and Related Matters (§ 42, Art. XII-XIV)

Among other related provisions, the compact provides the following:

1. each compact state's executive, legislative, and judicial branches must enforce the compact and take necessary steps to carry out its purposes (§ 42, Art. XII(a));
2. the commission must take specified steps if a compact 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 compact states (§ 42, Art. XII(b));
3. upon a compact state's request, the commission must attempt to resolve a compact-related dispute among compact states or between compact and non-compact states (§ 42, Art. XII(c));
4. the commission must enforce the compact and rules and may bring legal action against a compact state in default upon a majority vote of its commissioners (the case may be brought in the U.S. District Court in Georgia or the federal district where the commission's principal offices are located) (§ 42, Art. XII(d));
5. a compact 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 (§ 42, Art. XIII(c));
6. the compact states may amend the compact, but no amendment takes effect until all compact states enact it into law (§ 42, Art. XIII(e)); and
7. the compact's provisions must be liberally construed to carry out its purposes and if the compact is held to violate a compact state's constitution, it still remains in effect in the remaining compact states (§ 42, Art. XIV).

§ 43 — INTERSTATE MEDICAL LICENSURE COMPACT

Enters Connecticut into the Interstate Medical Licensure Compact, which provides an expedited licensure process for physicians seeking to practice in multiple states

The act enters Connecticut into the Interstate Medical Licensure Compact. The compact provides an expedited licensure process for physicians seeking to practice in multiple states, including by telehealth. Among other eligibility criteria, a physician must first be licensed in a member state and have never had his or her medical license subjected to disciplinary action. Eligible physicians can complete one application within the compact, but receive separate licenses from the states where they will practice.

Among various other provisions, the compact:

1. sets additional eligibility criteria for physicians to practice under the compact;
2. is overseen by a commission of representatives from the member states;
3. addresses several matters related to disciplinary actions for physicians practicing under the compact, such as information sharing among member states and automatic suspension of practice in some circumstances;
4. allows the commission to levy an annual assessment on member states to cover the cost of its operations;
5. provides that amendments to the compact only take effect if all member states adopt them into law; and

6. makes a process for states to withdraw from the compact.

A broad overview of the compact appears below.

EFFECTIVE DATE: October 1, 2022

Compact Overview

The Interstate Medical Licensure Compact provides an expedited licensure process for physicians seeking to practice in multiple states. The compact defines "expedited license" as a full and unrestricted medical license granted by a member state to an eligible physician through the process described in the compact. A "state" is a U.S. state, commonwealth, district, or territory.

Physician Eligibility and Application Process (§ 43(3)-(7))

To be eligible to receive an expedited license under the compact, a physician must meet the following criteria:

1. have graduated from an accredited medical school or school listed in the International Medical Education Directory;
2. passed each component of the U.S. Medical Licensing Examination or Comprehensive Osteopathic Medical Licensing Examination within three attempts (or predecessor examinations accepted by a state medical board);
3. successfully completed graduate medical education approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;
4. hold specialty certification or a time-unlimited specialty certificate recognized by the American Board of Medical Specialties or the American Osteopathic Association's Bureau of Osteopathic Specialists;
5. possess a full and unrestricted license to practice medicine issued by a member board;
6. have no criminal history (e.g., convictions, community supervision, or deferred dispositions) for any felony, gross misdemeanor, or crime of moral turpitude;
7. have no history of disciplinary history against his or her medical license (other than for nonpayment of fees);
8. have never had a controlled substance license or permit suspended or revoked by a state or the U.S. Drug Enforcement Administration; and
9. not be under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

For expedited licensure registration through the compact, a physician must also designate a compact member state as the state of principal license. The physician must select a state in which he or she has an unrestricted license to practice medicine and that is:

1. the state of the physician's principal residence;
2. the state where at least 25% of the physician's practice of medicine occurs;
3. the location of the physician's employer; or
4. if no state qualifies under the above three criteria, the physician's state of residence for federal income tax purposes.

A physician seeking licensure through the compact must apply for an expedited license with the member board (i.e., the state physician licensing board) of the physician's selected state of principal license. The member board must then evaluate the physician's eligibility and issue a letter of qualification, verifying or denying eligibility, to the Interstate Commission (see below). As part of this process, the member board must conduct a criminal background check.

After the physician's eligibility is verified, the physician must complete the commission's registration process to receive a license in a member state (including payment of applicable fees). The member board then issues an expedited license to the physician, authorizing the physician to practice in that state according to its applicable laws.

An expedited license is valid for a period consistent with the member state's licensure period. Physicians seeking to renew an expedited license must complete a renewal process with the commission, subject to certain eligibility requirements (e.g., applicable continuing education requirements). The commission collects renewal fees and distributes them to the applicable member board.

Disciplinary Action and Investigations (§ 43(8)-(10))

The compact addresses several matters related to investigating and disciplining physicians licensed through its procedures, including the following examples:

1. member boards must report to the commission any public action or complaint against a physician who has applied for or received an expedited license through the compact, and other disciplinary or investigatory information as described in commission rules;

2. member boards can participate with one another in joint investigations of physicians licensed by them, and subpoenas issued by a member state are enforceable in other member states;
3. if the physician's license is subject to revocation, suspension, or certain other disciplinary actions in the state of principal license, then all of that physician's licenses in other member states are automatically placed on that same status; and
4. if disciplinary action is taken against a physician by a member board not in the state of principal license, then any other member board may (a) impose the same or any lesser sanction that is consistent with that state's Medical Practice Act or (b) pursue separate disciplinary action under its Medical Practice Act (in some cases, a member board must suspend a license for 90 days to allow for an investigation).

Interstate Medical Licensure Compact Commission (§ 43(11)-(15))

The compact is administered by the Interstate Medical Licensure Compact Commission, which consists of two voting members appointed by each member state (representing the member boards). The compact sets forth several powers, duties, and procedures for the commission. For example, the commission:

1. promulgates rules that are binding to the extent and in the way provided for in the compact,
2. enforces compliance with compact provisions as well as the commission's rules and bylaws, and
3. reports annually to the legislatures and governors of member states about its activities during the prior year and any financial audit reports.

The commission (1) can levy an annual assessment on member states to cover the costs of its operations, based on a formula that the commission determines, and (2) is subject to a yearly financial audit.

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.

Compact Oversight, Enforcement, Member Withdrawal, Dissolution, and Related Matters (§ 43(16)-(24))

Among several 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 (§ 43(16));
2. the commission must enforce the compact and rules and may bring legal action against a state in default upon a majority vote of the commissioners (the case can be brought in the U.S. District Court for the District of Columbia or, at the commission's discretion, the federal district where the commission's principal offices are located) (§ 43(17));
3. the commission must take specified steps if a member state is in default 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 commissioners (§ 43(18));
4. upon a member state's request, the commission must attempt to resolve a compact-related dispute between member states or member boards (§ 43(19));
5. the commission may propose compact amendments, but no amendment takes effect unless the member states enact it into law by unanimous consent (§ 43(20));
6. a member state may withdraw from the compact by repealing that state's enabling legislation, but withdrawal does not take effect until one year after the repealing statute's effective date (§ 43(21));
7. the compact dissolves when its membership is reduced to one state (§ 43(22));
8. the compact's provisions are severable and its provisions must be liberally construed to carry out its purposes (§ 43(23)); and
9. all member state laws in conflict with the compact are superseded to the extent of the conflict (unless a compact provision exceeds the constitutional limits imposed on a member state's legislature) (§ 43(24)).

§ 44 — OEC TECHNICAL ASSISTANCE AND BUSINESS CONSULTING SERVICES EMPLOYEES

Requires OEC, for FY 23, to hire two full-time employees to provide technical assistance and business consulting services for child care services providers

For FY 23, the act requires OEC to hire two full-time employees to provide technical assistance and business consulting services for child care services providers. Under the act, these providers include certain child care centers, group and family child care homes, and night-care and year-round programs.

EFFECTIVE DATE: July 1, 2022

§ 45 — DCF GRANTS TO YOUTH SERVICE BUREAUS

For FY 23, requires the excess amount to be distributed proportionately among the YSBs, if the amount appropriated for grants to them in FY 23 is more than it was for FY 22

By law, DCF is responsible for administering the youth service bureau (YSB) grant and enhancement grant programs, within available appropriations. YSBs provide resources and community-based services and programs for children, youth, and their families.

Under the act, for FY 23, if the amount appropriated for grants payable to YSBs under this provision is more than the amount appropriated the grants for FY 22, the excess amount must be distributed proportionately among the YSBs.
EFFECTIVE DATE: July 1, 2022

§ 46 — OFFICE OF EMERGENCY MEDICAL SERVICES HEALTH PROGRAM ASSOCIATE

Requires DPH to hire a health program associate to administer mobile integrated health care programs for the Office of Emergency Medical Services

The act requires DPH, for FY 23, to hire a health program associate for the Office of Emergency Medical Services to administer mobile integrated health care programs.

Under existing law, the office is responsible for program development activities, including (1) public education and information programs, (2) administering the emergency medical services equipment and local system development grant program, (3) planning, (4) regional council oversight, and (5) training.
EFFECTIVE DATE: July 1, 2022

PA 22-87—sHB 5243
Committee on Children

AN ACT CONCERNING THE IDENTIFICATION AND PREVENTION OF AND RESPONSE TO ADULT SEXUAL MISCONDUCT AGAINST CHILDREN

SUMMARY: This act makes various changes in laws about adult sexual misconduct against students and related matters.

The act creates a mechanism by which adult sexual misconduct can be identified by requiring DPH, starting with the 2022-23 school year, to biennially administer the Connecticut School Health Survey to randomly selected high schools. It requires SDE, in consultation with DPH, to develop a uniform parent notification policy and form related to the survey (§§ 1-3).

The act also allows DCF, starting July 1, 2023, to include bystander training and appropriate interaction with children training programs in its statewide sexual abuse and assault awareness and prevention program's instructional modules. The act extends these instructional modules to all school employees, starting in the 2023-24 school year. It also requires DCF to make certain related materials available to youth-serving and religious organizations upon their request (§§ 6 & 7).

The act generally requires each local and regional board of education to annually distribute its mandated reporter policy electronically to all school employees. It also requires these boards to annually distribute electronically to all school employees, board members, and enrolled students' parents and guardians (1) guidelines on identifying and reporting child sexual abuse, starting in the 2022-23 school year, and (2) information on DCF's sexual abuse and assault awareness and prevention program, starting in the 2023-24 school year (§ 5).

Starting July 1, 2023, the act also requires school employees to complete training every three years on the (1) prevention and identification of, and response to, child sexual abuse and assault and (2) bystander and appropriate interaction with children training programs (§ 5).

The act expands the list of mandated reporters to include paid youth camp staff members age 21 or older (§ 4).

It establishes a task force to study the sexual abuse and exploitation of children on the internet or facilitated by in-state internet users from 2019 through 2021 (§ 8).

Lastly, it expands the state's address confidentiality program by allowing victims of kidnapping, trafficking, or substantiated child abuse or children who are subjects of parental termination orders to participate (§§ 9-11).
EFFECTIVE DATE: July 1, 2022, except the provisions (1) on SDE's parent notification policy and form (§ 3) and the

child abuse and exploitation task force (§ 8) are effective upon passage and (2) expanding the list of mandated reporters (§ 4) are effective October 1, 2022.

§§ 1-3 — CONNECTICUT SCHOOL HEALTH SURVEY

The act requires DPH, starting with the 2022-23 school year, to biennially administer the Connecticut School Health Survey to students in grades nine through 12, if the department receives funding from the federal Centers for Disease Control and Prevention (CDC) for it.

Under the act, the survey must be (1) based on the CDC's Youth Risk Behavior Survey (see BACKGROUND) and (2) administered in the high schools the CDC randomly selects.

Additional Survey Questions (§§ 1 & 2)

The act allows DPH to develop additional survey questions that are relevant to the health concerns of the state's high school students. If DPH does this, it must be in consultation with the departments of Children and Families, Education, and Mental Health and Addiction Services and any other agency or public interest group DPH deems necessary.

It also requires the child advocate, in consultation with DPH and DCF and by October 1, 2022, to develop and update, as necessary, questions to assess the risk of youths becoming victims of sexual assault or misconduct by an adult. These questions must be included in the survey.

DPH Guidelines (§ 1)

The act requires DPH to provide boards of education with guidelines on administering the survey, and the boards must do so according to these guidelines.

Under the act, the guidelines must include the following:

1. CDC survey protocol;
2. a requirement to give parents the opportunity to exclude their children from the survey by denying permission in writing on a DPH-prescribed form;
3. a requirement for the survey to be anonymous and designed to protect student privacy;
4. a timeframe for survey completion; and
5. a process for submitting survey results to the department.

SDE Uniform Parent Notification Policy and Form (§ 3)

The act requires SDE, by January 1, 2023, and in consultation with DPH, to develop a uniform parental notification policy and form for boards of education to use in administering the survey.

Under the act, SDE's uniform policy must address timely notification to the parents or guardians of students in grades nine to 12 about the Connecticut School Health Survey at least 21 days before the date the board will administer the survey.

It also requires SDE to develop a notification form for parents and guardians that includes (1) an explanation of the survey and how a parent or guardian may opt out and (2) the internet link to the survey.

§ 4 — MANDATED REPORTERS

The law generally imposes a legal responsibility on a specified class of individuals and entities (e.g., doctors, social workers, and school employees) to report to the appropriate authorities any reasonable suspicion or belief that a child is being abused or neglected ("mandated reporters").

The act expands the list of mandated reporters to include paid youth camp staff members age 21 or older. Paid youth camp directors and paid assistant directors are already mandated reporters under existing law.

By law, failure to report suspected child abuse or neglect is a class A misdemeanor if a mandated reporter fails to report within the prescribed time period. But it is a class E felony if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge that a child was abused or neglected, or a student was the victim of sexual assault.

§ 5 — BOARD OF EDUCATION POLICIES ON REPORTING CHILD ABUSE AND NEGLECT

Policy Distribution

By law, each board of education must adopt a written policy for the mandatory reporting of suspected child abuse or neglect by school employees. ("School employee" has the same meaning as under § 6 above.)

Under existing law, the policy must be distributed annually to all school employees employed by the board. The act requires that this annual distribution be done electronically.

Starting with the 2022-23 school year, the act requires each local and regional school board to distribute a copy of the guidelines on identifying and reporting child sexual abuse developed by the governor's task force on justice for abused children. It must be distributed electronically to all school employees, board members, and the parents and guardians of students enrolled in the schools under the board's jurisdiction.

Starting with the 2023-24 school year, the act requires each board of education to distribute information on DCF's sexual abuse and assault awareness and prevention program electronically to all school employees, board members, and enrolled students' parents and guardians (see § 6 above).

School Employee Training

Starting on July 1, 2023, the act requires each school employee employed by a board of education to complete the following:

1. training on preventing, identifying, and responding to child sexual abuse and assault;
2. the bystander training program; and
3. the appropriate interaction with children training program.

Under the act, each school employee must repeat the training at least once every three years.

§ 6 — STATEWIDE SEXUAL ABUSE AND ASSAULT AWARENESS AND PREVENTION PROGRAM

By law, DCF, in collaboration with SDE and the Connecticut Alliance to End Sexual Violence or a similar entity, must identify or develop a statewide sexual abuse and assault awareness and prevention program for boards of education to use. DCF must update the program in accordance with the act by July 1, 2023, and school boards must implement it by the 2023-24 school year.

Under prior law, the program had to include instructional modules for teachers that included (1) training on preventing, identifying, and responding to child sexual abuse and assault and (2) resources to further student, teacher, and parental awareness about child sexual abuse and assault and their prevention.

Under the act, starting July 1, 2023, these instructional modules (1) must be for all school employees, not only teachers, and (2) must include a bystander training program and an appropriate interaction with children training program.

Under the act, a "school employee" is defined as follows:

1. a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach (a) employed by a board of education or a private elementary, middle, or high school or (b) working in a public or private elementary, middle, or high school; or
2. anyone who, in the performance of his or her duties, has regular contact with students and provides services to or on behalf of students enrolled in a public or private elementary, middle, or high school under a contract with the board of education or private school's supervisory agent.

§ 7 — DCF MATERIALS TO CERTAIN ORGANIZATIONS

Starting July 1, 2023, the act requires DCF to make available, upon request of a youth-serving organization or religious organization, any materials relating to the training for the (1) preventing, identifying, and responding to child sexual abuse and assault; (2) bystander program; and (3) appropriate interaction with children program.

§ 8 — TASK FORCE ON CHILD SEXUAL ABUSE AND EXPLOITATION

Purpose

The act establishes a nine-member task force to study the sexual abuse and exploitation of children on the internet, or

facilitated by internet users in the state, from January 1, 2019, through December 31, 2021.

The study must examine (1) the types and frequency of this abuse and exploitation, (2) grooming tactics used by adults to engage in this abuse and exploitation, and (3) any barriers that may prevent the adequate or timely investigation or prosecution of this abuse and exploitation.

Members and Appointments

The task force includes the following members:

1. one member of the Trafficking in Persons Council, appointed by the House speaker;
2. one person with expertise in prosecuting child sexual abuse and exploitation originating online, appointed by the Senate president pro tempore;
3. one representative of a nonprofit organization that raises awareness of online child sex abuse and exploitation, appointed by the House majority leader;
4. one person with expertise in data and behavioral trends concerning child sexual abuse and exploitation, appointed by the Senate majority leader;
5. one representative of the Connecticut Police Chiefs Association, appointed by the House minority leader;
6. one representative of the Alliance to End Sexual Violence, appointed by the Senate minority leader;
7. the DCF and Department of Emergency Services and Public Protection commissioners, or their designees; and
8. the chief state's attorney or his designee.

All initial appointments must be made by June 23, 2022, and any vacancy must be filled by the appointing authority.

The Children's Committee's chairpersons must select the task force's chairperson from among its members. The task force chairperson must schedule the first task force meeting to be held by July 23, 2022.

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

Reporting and Termination

The task force must report its findings and recommendations to the Children's Committee by January 1, 2023. The report must include the following:

1. the number of allegations of this abuse and exploitation reported to law enforcement;
2. the number of these reports that resulted in arrest and the number that resulted in prosecution; and
3. to the extent the task force can determine, the reasons why certain allegations were not prosecuted.

The report must not contain personally identifying information about victims of child sexual abuse or exploitation.

The task force terminates when it submits the report or January 1, 2023, whichever is later.

§§ 9-11 — ADDRESS CONFIDENTIALITY PROGRAM

By law, the address confidentiality program, administered by the secretary of the state (SOTS), allows certain victims to receive a substitute mailing address to keep their residential address confidential due to safety concerns (see BACKGROUND).

The act expands the program by allowing the following individuals to participate:

1. victims of (a) 1st or 2nd degree kidnapping, (b) 1st or 2nd degree kidnapping with a firearm, or (c) human trafficking;
2. victims of child abuse that was substantiated by DCF and the basis for issuing a restraining order or civil protection order; and
3. children who are the subject of petitions to terminate parental rights granted by the court.

By law, victims of family violence; injury or risk of injury to a child; 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; 3rd degree sexual assault with a firearm; sexual assault in a spousal or cohabiting relationship (prior to October 1, 2019); or 1st, 2nd, or 3rd degree stalking are already allowed to participate in the program.

Under the act, SOTS must certify an application from any of the above people if it is filed on the prescribed form and includes a statement made under penalty of false statement that the person, or the person on whose behalf the application is filed, is such a victim or child and fears for his or her safety or that of any children living in the home.

BACKGROUND

CDC's Youth Risk Behavior Survey

Under existing agency practice, DPH biennially conducts the CDC's Youth Risk Behavior Survey, administered in Connecticut as the Connecticut School Health Survey, with funding provided through a cooperative agreement with the CDC. The CDC randomly selects approximately 50 high schools that are a representative sample of public high school students. DPH staff obtain permission from the CDC-selected schools to conduct the survey.

Address Confidentiality Program

By law, once an applicant to the address confidentiality program is certified by SOTS, he or she receives a substitute address. SOTS, as the participant's legal agent, receives any mail and service of process sent to that substitute address and forwards it to the participant's confidential address free-of-charge.

Participants may generally have (1) their street address omitted from voter registries, (2) correspondence from state agencies sent to their substitute address, and (3) their marriage records kept confidential. Participants may renew their certification every four years. SOTS may cancel a participant's certification under certain circumstances, but the participants may reapply at any time (CGS § 54-240 et seq. and Conn. Agencies Regs. § 54-240a-1 et seq.).

PA 22-124—SB 207
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 the laws related to (1) designating school readiness liaisons in certain school districts and (2) qualified residential treatment programs for children in the custody of DCF.
EFFECTIVE DATE: Upon passage

PA 22-135—sSB 308
Committee on Children

AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF THE CHILD ADVOCATE

SUMMARY: This act makes several changes in laws related to the Office of the Child Advocate (OCA). Specifically, it does the following:

1. expands the age range, from children ages 20 or younger to children ages 21 and under, for which the child advocate must report confinement conditions;
2. requires the child advocate to report at least three times each year to the OCA advisory committee on the office's goals and projects, within available appropriations, that are consistent with the child advocate's responsibilities;
3. requires the OCA advisory committee to (a) meet at least three times each year with the child advocate and her staff to receive her reports and (b) annually evaluate OCA's effectiveness; and
4. extends existing law's whistleblower protections that prohibit municipal agencies from discharging, discriminating, or retaliating against employees who make good faith complaints to OCA, or cooperate with OCA investigations, to cover employees of any agency or entity providing publicly funded services.

Under existing law, the child advocate has the right to inspect and copy any records necessary to carry out her responsibilities. The act specifies that the child advocate has the right to request and promptly inspect and copy these records. Additionally, the act requires requested records to be provided to her within 14 days of the request. By law, the child advocate may issue a subpoena for records she is denied access to.

The act also allows the child advocate to disclose confidential information to a child's legal representative if the disclosure is necessary to enable the child advocate to perform her responsibilities or to identify, prevent, or treat a child's abuse or neglect. Under prior law, the child advocate could only disclose this information to the appropriate agency responsible for the child's welfare.
EFFECTIVE DATE: July 1, 2022

REPORTING ON YOUTH CONFINEMENT CONDITIONS

Prior law required the child advocate to prepare an in-depth report on the conditions of confinement for children ages

20 or younger who are held in secure detention or correctional confinement in any state-operated facility. The report must address the facilities' compliance with the law limiting the use of restraint and seclusion. The act expands the age range of children for which the child advocate must report on to include children ages 21 and under. Under existing law, the child advocate must submit the report biennially to the Children's Committee.

PA 22-50—HB 5124
Commerce Committee

AN ACT CONCERNING REVISIONS TO CERTAIN ECONOMIC AND COMMUNITY DEVELOPMENT-RELATED STATUTES

TABLE OF CONTENTS:

SUMMARY: This act makes several unrelated changes in economic development-related statutes. Its provisions were also identically enacted in the 2022 implementer (PA 22-118, §§ 154-160).
EFFECTIVE DATE: Upon passage, except the technical change to a Department of Economic and Community Development (DECD) reporting requirement takes effect on October 1, 2022.

§ 1 — SMALL BUSINESS EXPRESS PROGRAM

Allows DECD to contract with nongovernmental entities in carrying out the Small Business Express program

The act specifically allows the DECD commissioner to contract with nongovernmental entities in carrying out the Small Business Express (EXP) program. These entities may include nonprofits, economic and community development organizations, lending institutions, and technical assistance providers.

The EXP program provides financial assistance to qualifying small businesses.

§ 2 — ECONOMIC ACTION PLAN IMPLEMENTATION AND FUNDING

Allows DECD to establish two new programs through which the department may distribute certain funding for projects that implement the state's Economic Action Plan

Prior law allowed the DECD commissioner, for FYs 22 to 24 and in coordination with the Office of Policy and Management (OPM) secretary, to use bond funds, American Rescue Plan Act of 2021 (ARPA) funding, and other available resources to provide the following:

1. up to $100 million in grants for "major projects" consistent with the state's Economic Action Plan (EAP), which the department could distribute by developing and issuing requests for proposals (RFPs); and
2. matching grants of up to $10 million each for these selected major projects, which the department could distribute through a competitive matching grant program.

New Programs

The act conforms law to current practice by making changes to the mechanisms described above by which DECD, for FYs 22 to 24 and in coordination with OPM, may allocate certain funding for major projects.

Specifically, the act allows the department to establish the following:

1. an Innovation Corridor program to provide grants for major projects, which replaces the prior RFP process, and
2. the Connecticut Communities Challenge program to provide community development grants, which replaces the prior matching grant program for selected projects.

The act requires DECD, under both programs, to develop a competitive application process and criteria consistent with the EAP's purposes to evaluate applications and select projects for funding.

Funding Amounts

The act caps the new programs' combined funding at $200 million, with up to $100 million in grants for each program. As under existing law, these grants may be funded through bonds, ARPA funds, and any other available resources.

§ 3 — HISTORIC REHABILITATION TAX CREDIT PROGRAM FEES

Expands the allowable uses of application fees DECD receives through the Historic Rehabilitation Tax Credit program to include funding certain programs that advance historical preservation

The act expands the allowable uses of application fees DECD receives through the Historic Rehabilitation Tax Credit program to include funding programs that advance historic preservation in the state. Prior law limited the use of these fees solely to program administration costs.

§ 4 — DECD TECHNICAL CHANGE

Makes a technical change to a DECD reporting requirement

The act makes a technical change to a DECD reporting requirement.

§ 5 — RESEARCH AND DEVELOPMENT TAX CREDIT STUDY

Requires the DECD commissioner to study extending the research and development tax credit to pass-through entities

The act requires the DECD commissioner to (1) study, in consultation with the revenue services commissioner, extending the research and development tax credit to pass-through entities and (2) report on the study to the Commerce Committee by January 1, 2023.

§ 6 — RELEASE-BASED REMEDIATION DRAFT REGULATIONS

Requires the DEEP commissioner to give an advisory working group certain draft regulations for a release-based remediation program before adopting them

The act requires the Department of Energy and Environmental Protection (DEEP) commissioner to give the release-based remediation advisory working group draft regulations to implement a release-based remediation program before posting them on the state's eRegulations System. More specifically, she must do so at least 60 days before she posts a notice of intent on the system to adopt, amend, or repeal the regulations. The working group must provide advice and feedback on

the draft within 30 days after receiving it. The group was established in 2020 to advise on the forthcoming release-based regulations (PA 20-9, September Special Session, § 19).

The act also requires the DEEP commissioner to convene at least one monthly meeting of the working group at least 15 days before she posts the eRegulations notice and after she provides the draft regulations. Additionally, she must provide a revised draft for the members' review before posting the notice.

Background — Release-Based Remediation

Existing law transitions the state from its transfer-based approach to property remediation (i.e., the "Transfer Act") to a release-based approach (CGS § 22a-134pp et seq.). The release-based approach becomes effective when the DEEP commissioner adopts regulations for the program (e.g., establishing release reporting requirements and remediation standards).

§ 7 — MODEL STUDENT WORK RELEASE POLICY

Requires (1) the Office of Workforce Strategy's chief workforce officer to develop a model student work release policy and report it to certain legislative committees by July 1, 2023, and (2) all boards of education to adopt it

The act requires the Office of Workforce Strategy's chief workforce officer, in consultation with the education commissioner, the Technical Education and Career System's executive director, and the labor commissioner, to develop a model student work release policy by July 1, 2023. She must report on the policy by this date to the Commerce, Education, and Labor and Public Employees committees.

The act allows the chief workforce officer to update the policy as needed and requires her to notify each local and regional board of education about any update. Starting with the 2024-25 school year, it requires boards of education to annually adopt the model student work release policy or the most recently updated version of it.

PA 22-68—sSB 218
Commerce Committee

AN ACT CONCERNING BROWNFIELD REMEDIATION

SUMMARY: This act makes several changes to the Abandoned Brownfield Cleanup (ABC) program and the Brownfield Remediation and Revitalization program (BRRP). For both programs, it does the following:

1. makes lessees with a term of up to five years eligible to participate,
2. requires applicants to acquire title to a property within two years after the DECD commissioner designates it for inclusion in the applicable program and authorizes the commissioner to extend this deadline at the applicant's request, and
3. expressly requires participants to remain in compliance with the respective programs' obligations to receive their liability protections.

The act also makes changes specific to each program. For the ABC program, the act, among other things, sets deadlines by which (1) participants must enter the state's voluntary remediation program and (2) the DEEP commissioner must (a) determine whether to audit the verification of a property's investigation and remediation and (b) complete this audit.

For the BRRP, the act requires the DECD commissioner to accept property nominations meeting certain criteria from Connecticut brownfield land banks (CBLBs). Existing law requires him to accept nominations from municipalities and economic development agencies. The act makes several conforming changes to extend to CBLBs additional program rights that municipalities and economic development agencies possess (e.g., the ability to request certain fee waivers for nominated properties).

Lastly, the act makes technical changes.
EFFECTIVE DATE: October 1, 2022

LESSEES

The law generally makes persons ineligible to participate in the ABC program and BRRP if they are affiliated with the person responsible for the property's pollution through any contractual relationship, other than a relationship by which the

owner's or applicant's interest in the eligible property is to be conveyed or financed. The act creates an additional exception for a lease of up to five years, thus allowing these lessees to participate if otherwise eligible.

ABANDONED BROWNFIELD CLEANUP PROGRAM

Deadline to Enter the Voluntary Remediation Program

Existing law requires persons accepted into the ABC program to enter the state's voluntary remediation program. The act requires that they do so within six months after taking title to an eligible property unless the DECD commissioner, in consultation with the DEEP commissioner, grants an exception.

DEEP Verification Audits

The voluntary remediation program (see above) generally requires participants to (1) investigate and remediate environmental conditions on the property and (2) have the investigation and remediation verified by a licensed environmental professional (LEP). The verification is subject to audit by the DEEP commissioner.

The act establishes deadlines by which the DEEP commissioner must (1) determine whether to audit an ABC program verification and (2) complete the audit. These deadlines match those in existing law for BRRP.

Audit Time Limits. The act requires the DEEP commissioner, within 60 days after receiving a verification for a designated property (or a portion of one), to notify the DECD commissioner and program-eligible person whether she will audit it. The DEEP commissioner must conduct the audit within 180 days after the department receives the verification, with certain exceptions (see below). The act (1) allows her to request more information during an audit and (2) suspends the audit deadline if an eligible person fails to provide this information within 14 days after the request. The suspension lasts until the information is provided.

Exceptions. In addition to the suspension described above, the act allows the DEEP commissioner to exceed the 180-day time limit for the following reasons:

1. she has reason to believe that an eligible person (a) obtained a verification using materially inaccurate, erroneous, or otherwise misleading information or (b) made material misrepresentations in submitting the verification to DEEP;
2. she determines that (a) there was a violation of law material to the verification or (b) information exists indicating the property's remediation did not prevent releases that are a substantial threat to public health or the environment;
3. an eligible person failed to complete required post-verification monitoring and maintenance; or
4. the verification relies on an environmental land use restriction that was not recorded in the land records of the municipality in which the property is located.

Audit Process. The act requires the DEEP commissioner, within 14 days after completing the audit, to provide written findings either approving or disapproving the verification to the eligible person, DECD commissioner, and issuing LEP. A disapproval must include the reasons for the decision. Under the act, an eligible person must submit a report of cure of noted deficiencies to the DECD and DEEP commissioners within 60 days after receiving a notice of disapproval. Within 60 days after receiving the cure of noted deficiencies report, the DEEP commissioner must issue a successful audit closure letter or a written disapproval of the report.

PA 22-97—sHB 5264
Commerce Committee

AN ACT CONCERNING THE APPROVAL OF FINANCIAL AID APPLICATIONS FILED WITH CONNECTICUT INNOVATIONS, INCORPORATED AND ESTABLISHING AN ATTENDANCE POLICY FOR CONNECTICUT INNOVATIONS, INCORPORATED'S BOARD OF DIRECTORS

SUMMARY: This act increases, from $150,000 to $500,000, the (1) maximum amount of financial assistance that Connecticut Innovations, Inc. (CI) staff may approve in an individual application if delegated this authority by CI's board of directors and (2) aggregate 12-month cap on staff-awarded assistance to an applicant. Under the aggregate cap, CI staff cannot approve an application if the amount requested plus the amount of CI assistance received by the applicant in the previous 12 months exceeds this cap (i.e., $500,000 under the act).

As under existing law, (1) assistance exceeding either cap must be approved by CI's board of directors or a committee of the board and (2) CI staff exercising delegated approval authority must process the application according to CI-adopted

procedures. Financial assistance includes grants, loans, loan guarantees, equity investments, and other economic development assistance.

Additionally, the act deems an appointed member of CI's board of directors to have resigned if he or she misses three consecutive board meetings or fails to attend 50% of the meetings in a calendar year. It requires CI's chief executive officer, in consultation with the board chairperson, to recommend a replacement candidate to the appropriate appointing authority within 30 days after a vacancy occurs.

By law, the board has nine gubernatorial appointees, four legislative appointees, and four ex-officio members. Members appointed by the governor or a legislator serve at the pleasure of the appointing authority but no longer than the appointing authority's term of office or until a successor is appointed and qualified, whichever is longer.

EFFECTIVE DATE: October 1, 2022

PA 22-98—HB 5267
Commerce Committee

AN ACT CONCERNING THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT'S STRATEGIC PLANNING REGARDING THE PROMOTION OF ARTS AND CULTURE

SUMMARY: Existing law requires DECD to enhance the tourism industry's economic impact by (1) developing and implementing a strategic statewide marketing plan and (2) providing visitor services. The act requires the department to do the same for the arts and culture industries.

EFFECTIVE DATE: October 1, 2022

PA 22-38—SB 226
Education Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION

SUMMARY: This act makes the following changes in the education statutes:

1. extends the term of validity for three levels of public school teaching certification (i.e., initial, provisional, and professional) under certain circumstances (§§ 1-3);
2. establishes new reporting requirements and deadlines for the State Department of Education (SDE) and the State Education Resource Center's (SERC's) collaborative effort to create a model curriculum for grades kindergarten to eight (K-8) (see BACKGROUND) (§§ 4 & 5); and
3. allows the education commissioner to temporarily waive provisions or modify requirements in state laws about school meal programs in response to changes in federal law or waivers issued by the U.S. Department of Agriculture (USDA) (§§ 6 & 7).

EFFECTIVE DATE: July 1, 2022, except the provisions on school meal programs (§§ 6 & 7) take effect upon passage.

§§ 1-3 — TEACHING CERTIFICATION

The act extends the term of validity for each of the three levels of public school teaching certification: initial (entry-level), provisional (mid-level) and professional (top level).

Initial Certificate

By law, an initial certificate is valid for three years, with some exceptions allowing for extensions. The act adds a new exception that allows the education commissioner, upon application, to reissue the initial certificate to anyone who holds the certificate but has not taught under it. The certificate holder must show that he or she satisfied the preparation and eligibility requirements that were in place when it was originally issued (see BACKGROUND).

Provisional Certificate

By law, a provisional certificate is valid for eight years (CGS § 10-145b(h)(1)). Prior law contained no renewal option for this certificate, but the act allows the education commissioner to reissue it if the holder can show that he or she meets the preparation and eligibility requirements that were in place when it was originally issued (see BACKGROUND).

Professional Certificate

Under prior law, a professional certificate was valid for five years and renewable for subsequent five-year periods. The act increases its validity and renewability to 10 year periods.

§§ 4 & 5 — MODEL CURRICULUM DEVELOPMENT

Progress Report

The act requires SDE, in consultation with SERC, to submit a progress report to the Education Committee about the K-8 model curriculum's development by January 1, 2023.

Final Development and Description Deadlines

The act delays by one year, from 2023 to 2024, the deadlines for SDE and SERC to:

1. develop a K-8 model curriculum, due January 1, and
2. submit to the Education Committee (a) a description of the K-8 model curriculum, including the scope and sequence and course objective, and (b) a report on the development and review of this course by January 15.

§§ 6 & 7 — SCHOOL MEAL PROGRAMS

School Breakfast Program

The act allows the education commissioner to temporarily waive any provision or change any requirements in state law about eligibility for the federal school breakfast grant program. The commissioner can issue these waivers or modifications to ensure that local and regional boards of education can continue to receive the federal grants in response to any changes in federal law or USDA-issued waivers.

Payment of State Matching Grants

State law authorizes the State Board of Education (SBE) to pay boards of education and operators of public choice schools, each fiscal year within available appropriations, (1) a matching state grant under federal law's requirements for school meal programs (i.e., breakfast and lunch programs) and (2) 10 cents per lunch served in the prior school year. State law allows SBE to direct how boards and operators must apply for these grants, determine applicants' eligibility, adopt implementing regulations, and set a procedure for monitoring grant recipients' expenditures.

The act allows the education commissioner to temporarily waive or modify the above provisions, along with any requirements in state laws governing the following: (1) lunches, breakfasts, and other meal programs for public school children and employees; (2) private school and nonprofit agency participation in meal programs; (3) nutrition standards for food that is outside of the lunch or breakfast program; and (4) certification of food nutrition standards. The act allows the commissioner to issue these waivers or modifications to ensure that local and regional boards of education may continue to receive the matching and per-lunch state funds in response to (1) any changes in federal law or (2) USDA-issued waivers.

BACKGROUND

Model Curriculum

Once completed, local and regional boards of education may use this curriculum to instruct students in grades K-8. Its content must be rigorous, age-appropriate, aligned with SBE-approved curriculum guidelines, and in accordance with SBE-adopted statewide subject matter content standards (CGS § 10-25b).

Initial Certificate Preparation and Eligibility Requirements

Under existing law, candidates for initial teaching certification must meet requirements relating to bachelor's degree attainment and teacher preparation or alternate route to certification program completion. Since July 1, 2018, candidates also must fulfill subject area major requirements, with some exceptions (CGS § 10-145b(a)). Additionally, since July 1, 2019, candidates must fulfill special education coursework requirements (CGS § 10-145b(d)(1)).

Provisional Certificate Preparation and Eligibility Requirements

By law, candidates for provisional teaching certification must meet requirements relating to teacher preparation program completion, prior classroom teaching experience, and initial certificate preparation and eligibility (CGS § 10-145b(e)). Additionally, since July 1, 2016, candidates must fulfill special education coursework requirements (CGS § 10-145b(d)(2)).

PA 22-80—sSB 1
Education Committee
Appropriations Committee

AN ACT CONCERNING CHILDHOOD MENTAL AND PHYSICAL HEALTH SERVICES IN SCHOOLS

TABLE OF CONTENTS:

§ 2 — GRANTS FOR STATE-CONTRACTED CHILD CARE CENTERS FOR DISADVANTAGED CHILDREN

Creates an alternative per-child grant for enrolled children aged three and younger in toddler or infant care; requires excess funding under one grant option to be used for educators' salary increases; requires the OEC commissioner to enter into contracts to expand spaces at these centers for infants and toddlers in FY 23

§ 3 — SURVEY ON SCHOOL SOCIAL WORKERS, PSYCHOLOGISTS, COUNSELORS, AND NURSES

Requires SDE to develop and distribute a survey that school districts must annually complete on the number of school social workers, psychologists, counselors, and nurses they employ; requires the education commissioner to calculate the student-to-worker ratio for each type of professional and report the survey results and the ratios to the Children's and Education committees

§§ 4 & 5 — NEW GRANT PROGRAM FOR SCHOOL SOCIAL WORKERS, PSYCHOLOGISTS, COUNSELORS, AND NURSES

Requires SDE to (1) administer grants for FYs 23 to 25 for school districts to hire and retain more school social workers, psychologists, counselors, and nurses; (2) make recommendations on the program's renewal beyond FY 25; and (3) hire a program administrator

§ 6 — HUMAN SERVICES PERMIT

Requires SDE to study the feasibility of creating a temporary human services permit to allow those who have specialized training, experience, or expertise in social work, human services, psychology, or sociology to provide services to students in school

§§ 7-9 — OPIOID ANTAGONISTS IN SCHOOLS

Generally (1) allows school nurses and qualified school employees to maintain and administer opioid antagonists to students who do not have prior written authorization to receive the medication; (2) requires SDE to develop related guidelines; (3) authorizes prescribers and pharmacists to enter into agreements with school boards on the distribution and administration of opioid antagonists; and (4) requires DPH to provide school boards with information on acquiring opioid antagonists from manufacturers

§ 10 — TASK FORCE TO COMBAT ABLEISM

Establishes a 14-member task force to combat ableism and requires it to submit its findings and recommendations to the Children's and Education committees by January 1, 2023

§ 11 — CONNECTICUT INTERSCHOLASTIC ATHLETIC CONFERENCE (CIAC) TASK FORCE

Establishes an eight-member task force to study the governance structure and internal procedures of CIAC and requires it to submit its findings and recommendations to the Education Committee by January 1, 2023

§ 12 — SCHOOL-BASED HEALTH CENTER GRANT EXPANSION PROGRAM

Requires DPH to administer a school-based health center grant expansion program in FY 23 to provide grants to certain school-based health center operators to expand the centers and their services

§ 13 — LEARNER ENGAGEMENT AND ATTENDANCE PROGRAM (LEAP)

Requires SDE to provide, within available appropriations, assistance and support for FY 23 to the school districts participating in LEAP

§ 14 — MINIMUM DUTY-FREE LUNCH PERIODS FOR TEACHERS

Creates a minimum 30-minute uninterrupted lunch period for teachers and other professional employees of school districts

§ 15 — MINORITY TEACHER CANDIDATE SCHOLARSHIP PROGRAM

Requires SDE to administer a new minority teacher candidate scholarship program; authorizes grants of up to $20,000 a year for high school graduates of priority school districts who are enrolled in a teacher preparation program at any four-year higher education institution

§§ 16-22 — MINORITY TEACHER RECRUITMENT

Renames the minority teacher recruitment task force and requires it to study existing recruitment and retention programs

§ 23 — TEACHER CERTIFICATION LAW REVIEW

Requires SDE to review the state's teacher certification statutes and regulations for obsolete provisions and barriers to entry into the profession, and report to the Education Committee by January 1, 2023

§ 24 — CAREER AND TECHNICAL PATHWAYS INSTRUCTOR PERMIT

Authorizes SBE to issue career and technical pathways instructor permits if requested by a school board or RESC; the permits allow people who meet the criteria to teach part-time in a specialized field (i.e., manufacturing, allied health, computer technology, engineering, or the construction trades) for the 2022-23 and 2023-24 school years

§ 25 — REMOTE LEARNING

Permits school boards to authorize remote learning for students in grades kindergarten to 12 beginning with the 2024-25 school year and requires boards that provide remote learning to prohibit dual instruction

§ 26 — STATE EDUCATION RESOURCE CENTER (SERC)

Expands SERC's required programs and activities; removes the requirement that SERC's real estate leases be subject to DAS approval, review, or regulation

§§ 27 & 28 — OPEN CHOICE PROGRAM

Expands the New Haven-area program to include Guilford public schools and creates new earmarks for excess, nonlapsing Open Choice funds appropriated to SDE

§ 29 — TEACHER SHORTAGE AND RETENTION TASK FORCE

Creates a teacher shortage and retention task force to make recommendations that address (1) teacher attrition and retention, (2) teacher shortages across subject matter disciplines, and (3) issues relating to equity and diversity

§ 30 — UNIFIED SCHOOL DISTRICT #1 (USD #1) STUDY

Requires DOC, in consultation with SDE, to study how the funding of USD #1, the school district that serves inmates, compares to the funding of other school districts and education programs

§ 31 — RAISING THE SPECIAL EDUCATION AGE LIMIT

Requires school districts to provide special education services to qualifying students until they reach age 22

§§ 32 & 33 — ASIAN AMERICAN AND PACIFIC ISLANDER (AAPI) STUDIES

Starting with the 2025-26 school year, requires all local and regional boards of education to include AAPI studies in their social studies curriculum and adds AAPI studies to the state's existing required program of instruction for public schools

§ 1 — WAGE SUPPLEMENT AND CHILD CARE PROGRAM ENHANCEMENT GRANT PROGRAM

Requires OEC to create a program for FY 23 to give grants to early childhood program operators and child care services providers to (1) supplement employee salaries or (2) address program or administrative needs; requires the office to distribute grant funds between state-funded and non-state funded providers using a prescribed percentages split

The act requires the Office of Early Childhood (OEC) to create and administer a "wage supplement and child care program enhancement grant program" for FY 23. These grants may be used by early childhood program operators and child

care services providers to (1) supplement their employees' annual salaries or (2) address program or administrative needs, within specified guidelines.

Beginning on August 1, 2022, the office must provide these grants to the following entities that meet OEC-created eligibility requirements: school readiness programs, private preschool programs, state-contracted child care centers for disadvantaged children, child care centers, group child care homes, and family child care homes (see *Background*, below). These entities may submit a grant application to OEC on a form and in a manner the office determines. The act requires OEC to develop (1) grant eligibility criteria and (2) program administration and grant expenditure guidelines.

Under the act, OEC must distribute the appropriated grant funds accordingly: (1) 70% to eligible program operators and service providers that do not receive state funding or state financial assistance and (2) 30% to operators and providers that do. Additionally, it requires the OEC commissioner, when awarding the grant, to give priority to program operators and service providers that will use the funds exclusively to supplement employees' annual salaries.

EFFECTIVE DATE: July 1, 2022

Background — Program Operators and Service Providers

School Readiness Programs. School readiness programs are nonreligious, state-funded programs that provide a developmentally appropriate learning experience for children ages three to five who are too young to enroll in kindergarten.

Child Care Centers. Child care centers offer or provide supplementary care to more than 12 children outside their own homes on a regular basis (CGS § 19a-77(a)(1)).

Group Child Care Homes. Group child care homes (1) offer or provide supplementary care to between seven and 12 children on a regular basis or (2) meet the family child care home definition, except that they do not operate in a private family home (CGS § 19a-77(a)(2)).

Family Child Care Homes. Family child care homes are private family homes caring for up to six children, including the provider's own children not in school full time, where a child is cared for between three and 12 hours per day on a regular basis. During the regular school year and the summer, family child care homes may care for additional school-aged children with the help of an OEC-approved assistant or substitute staff member (CGS § 19a-77(a)(3)).

§ 2 — GRANTS FOR STATE-CONTRACTED CHILD CARE CENTERS FOR DISADVANTAGED CHILDREN

Creates an alternative per-child grant for enrolled children aged three and younger in toddler or infant care; requires excess funding under one grant option to be used for educators' salary increases; requires the OEC commissioner to enter into contracts to expand spaces at these centers for infants and toddlers in FY 23

Existing law requires that these state-contracted child care centers' contracts with the state provide for a grant, within available appropriations, for the following:

1. part of the program's cost, as determined by the OEC commissioner, if the program is not federally assisted;
2. half the amount by which the program's net cost, as approved by the commissioner, exceeds its federal grant; or
3. an amount at least equal to the per child cost set in state law for each child aged three to five not yet eligible to enroll in school.

The act maintains the above-described types of grants, and for the third type it creates an alternative $13,500 per-child grant for children aged three and younger who are in toddler or infant care and not in a preschool program. Additionally, it requires these centers, beginning in FY 24, to use the portion of the per-child amount in the third type of grant that exceeds the FY 23 per child cost exclusively for their educators' salary increases. Prior law required the same excess expenditure since FY 20, but it measured the excess amount against the FY 19 grant instead.

Additionally, the act requires the OEC commissioner, within available appropriations, to enter into contracts to increase these centers' infant and toddler spaces (i.e., children who are not in preschool programs) for FY 23.

EFFECTIVE DATE: July 1, 2022

§ 3 — SURVEY ON SCHOOL SOCIAL WORKERS, PSYCHOLOGISTS, COUNSELORS, AND NURSES

Requires SDE to develop and distribute a survey that school districts must annually complete on the number of school social workers, psychologists, counselors, and nurses they employ; requires the education commissioner to calculate the student-to-worker ratio for each type of professional and report the survey results and the ratios to the Children's and Education committees

The act requires SDE, by July 1, 2023, and within available appropriations, to develop and distribute a survey to local and regional school boards to determine how many school social workers, school psychologists, school counselors, and school nurses they employ. The survey must also include information on (1) how many of each of these four types of professionals are employed and assigned to each school in a district; (2) whether any are assigned to more than one school and, if so, the geographic area they cover; and (3) an annual estimate of how many students received direct services from each type of professional during the five-year period before the survey is completed. (PA 22-116, § 6, adds licensed marriage and family therapists to the survey.)

Beginning with the 2023-24 school year, the act requires each school district to annually complete the SDE survey and submit it to the education commissioner when and how she requires. The completed survey must also be included with the application for a new grant the act creates to hire more of these professionals (see below).

Ratios

After receiving a completed school district survey, the act requires the education commissioner to annually calculate the student-to-worker ratio for each of the four types of professionals listed above for each school and each district.

Report

Beginning by January 1, 2024, the commissioner must annually report the survey results and the student-to-worker ratios to the Education and Children committees.

EFFECTIVE DATE: Upon passage

§§ 4 & 5 — NEW GRANT PROGRAM FOR SCHOOL SOCIAL WORKERS, PSYCHOLOGISTS, COUNSELORS, AND NURSES

Requires SDE to (1) administer grants for FYs 23 to 25 for school districts to hire and retain more school social workers, psychologists, counselors, and nurses; (2) make recommendations on the program's renewal beyond FY 25; and (3) hire a program administrator

The act requires SDE to administer a program for FYs 23 to 25 to provide grants for school districts to hire and retain more school social workers, school psychologists, school counselors, and nurses. (PA 22-116, §§ 7-8, expands the program to include grants for licensed marriage and family therapists.)

Applications

The act requires that grant applications be filed with the education commissioner when and how she decides. As part of the application, an applicant must submit a grant expenditure plan and copy of the completed survey required by the act.

The plan must at least include the following information:

1. the number of additional school social workers, school psychologists, school counselors, or school nurses to be hired;
2. the number of each type of professional being retained who was previously hired with these grant funds (presumably, for the second and subsequent years); and
3. whether each type of professional will conduct student assessments or provide services to students based on assessment results, and the type of those services.

In determining whether to award a grant, the act requires the commissioner to prioritize school districts (1) with large student-to-worker ratios for any of the four types of professionals listed above or (2) that have many students using mental health services.

Grant Awards

Under the act, for FY 23 the commissioner may award a grant, and must determine the grant amount, based on the applicant's submitted plan.

The act requires the commissioner to administer grant amounts in each of the program's three fiscal years as follows:

1. for FY 23, the commissioner determines the amount of the grant under the act;
2. for FY 24, the grant amount must be the same as that awarded in the prior fiscal year; and
3. for FY 25, the grant amount must be 70% of the grant amount awarded for the prior fiscal year.

Expenditure Reports and Refunding Unexpended Amounts

The act requires grant recipients to file annual expenditure reports with SDE when and how the commissioner prescribes. They must refund to SDE (1) any unexpended amounts at the close of the fiscal year in which the grant was awarded and (2) any amounts not expended as required under the approved grant application plan.

Utilization Rate

The act requires SDE to annually track and calculate the grant program's utilization rate for each recipient. The utilization rate is calculated using metrics that at least include the number of students served and the hours of service provided, using program grant funds.

Reporting

By January 1 of 2024, 2025, and 2026, the commissioner must submit a report to the Children's and Education committees on the utilization rate for each grant recipient and the expenditure report for the grant program.

Recommendations on Renewal

By January 1, 2026, the act requires the education commissioner to develop recommendations on (1) extending and funding the grant program in FY 26 and each fiscal year after that and (2) the program's grant award amounts. The commissioner must submit the recommendations to the Children's and Education committees.

Donations

Under the act, SDE may accept funds from private sources or any state agency, gifts, grants, and donations, including in-kind donations, to carry out the grant.

Program Administrator

For FY 23, the act requires SDE to hire a full-time administrator to run the grant program.
EFFECTIVE DATE: July 1, 2022

Background — Related Act

PA 22-47, §§ 12 & 13, requires SDE to develop and distribute to school districts a survey of mental health specialists employment by district and school, and districts must report the results to SDE. The survey results are also used in applications to SDE for a new grant program the act creates to enable districts to hire more mental health specialists (a term that includes school social workers, school psychologists, and others).

§ 6 — HUMAN SERVICES PERMIT

Requires SDE to study the feasibility of creating a temporary human services permit to allow those who have specialized training, experience, or expertise in social work, human services, psychology, or sociology to provide services to students in school

The act requires SDE to study the feasibility of creating a temporary human services permit. This permit would allow those who have specialized training, experience, or expertise in social work, human services, psychology, or sociology to work in a public school to respond to a school district's emergency need. They would not be required to meet the certification requirements to be a school social worker, school psychologist, or other professional under teacher certification law.

The study must include the following:

1. an analysis of the need for people with human services credentials to provide services to students in school districts,
2. an assessment of the appropriate qualifications needed for the permit in relation to school districts' need for staff to provide the services,
3. a comparison of the services that would be provided by permitted individuals to the services provided by certified

staff, and

4. an analysis of whether the permit is necessary based on the initial results of the grant program provided in the act (see § 4).

In conducting the study, SDE must consult with higher education institutions, support services associations, superintendents, principals, support services staff, community providers, and families.

Under the act, SDE must submit a report with its findings and recommendations to the Education Committee by January 1, 2024.

EFFECTIVE DATE: July 1, 2022

§§ 7-9 — OPIOID ANTAGONISTS IN SCHOOLS

Generally (1) allows school nurses and qualified school employees to maintain and administer opioid antagonists to students who do not have prior written authorization to receive the medication; (2) requires SDE to develop related guidelines; (3) authorizes prescribers and pharmacists to enter into agreements with school boards on the distribution and administration of opioid antagonists; and (4) requires DPH to provide school boards with information on acquiring opioid antagonists from manufacturers

School Nurse and Qualified Employee Authorization (§ 7)

The act authorizes a school nurse or, in the absence of a school nurse, a qualified school employee to maintain opioid antagonists to administer emergency first aid to a student who is experiencing an opioid-related drug overdose but does not have prior written authorization from a parent or guardian or prior order from a qualified medical professional to receive this medication.

Under the act, a school nurse or principal must select qualified school employees to administer an opioid antagonist, and at least one of them must be on school grounds during regular school hours when the school nurse is not. A qualified school employee may administer an opioid antagonist only when the school nurse is absent or unavailable. A school nurse or qualified school employee administering an opioid antagonist must do so in accordance with the school board's policies and procedures the act requires it to adopt.

Under the act, a "qualified school employee" is a principal, teacher, licensed athletic trainer, coach, school paraprofessional, or licensed physical or occupational therapist employed by the school district.

The act prohibits a school nurse or qualified school employee from administering an opioid antagonist unless he or she completes training in its distribution and administration (1) under a local agreement with a prescriber or pharmacist (see below) or (2) in a training developed by the departments of consumer protection (DCP), education (SDE), and public health (DPH).

The act allows parents or guardians to submit a written request to the school nurse or medical advisor, if any, stating that their student may not be administered an opioid antagonist under these provisions.

Guidelines (§ 7)

The act requires SDE to develop guidelines for local and regional school boards on storing and administering opioid antagonists in schools. The department must do this by October 1, 2022, and in consultation with DCP and DPH.

Relatedly, it requires the State Board of Education, in consultation with DPH, to adopt regulations specifying the conditions and procedures for the storage and administration of opioid antagonists by school personnel under these provisions.

Opioid Antagonist Distribution Agreements (§ 8)

The act authorizes prescribers or pharmacists certified to prescribe an opioid antagonist to enter into an agreement with local or regional school boards on the distribution and administration of opioid antagonists. Existing law already allows prescribers and pharmacists to make these agreements with law enforcement agencies, emergency medical service providers, government agencies, and community health organizations. As under existing law, the act requires the agreement to address the school boards' opioid antagonist storage, handling, labeling, recalls, and record keeping. The prescriber or pharmacist must train the people who will distribute or administer opioid antagonists under the agreement. Additionally, people who will distribute or administer opioid antagonists must be trained first.

Information on Opioid Antagonist Acquisition (§ 9)

For the 2022-2023 school year, the act requires DPH, in collaboration with SDE, to provide information to local and regional school boards on where boards can acquire opioid antagonists. The information must include the name and contact information of any opioid antagonist manufacturers that provide the medication at no cost to school districts.

Definitions (§ 7)

By law and under the act, an "opioid antagonist" is naloxone hydrochloride (e.g., Narcan) or any other similarly acting and equally safe drug that the Food and Drug Administration has approved for treating a drug overdose (see CGS § 17a-714a).

Under the act, a "qualified medical professional" is a state-licensed physician, optometrist, advanced practice registered nurse, or physician assistant.

EFFECTIVE DATE: Upon passage, except the provisions (1) allowing school boards to enter into local agreements with a prescriber or pharmacist and (2) requiring DPH to provide information to local school boards on acquiring opioid antagonists take effect July 1, 2022.

§ 10 — TASK FORCE TO COMBAT ABLEISM

Establishes a 14-member task force to combat ableism and requires it to submit its findings and recommendations to the Children's and Education committees by January 1, 2023

The act establishes a 14-member task force to combat ableism that must identify (1) current efforts to educate all students on disability and combat ableism in classrooms and in the public school curriculum and (2) opportunities to expand these efforts and integrate them into social-emotional learning. Under the act "ableism" means intentional or unintentional bias, prejudice, or discrimination against people with physical, psychiatric, or intellectual disabilities. Under existing law, social-emotional learning means the process through which children and adults achieve emotional intelligence through the competencies of self-awareness, self-management, social awareness, relationship skills, and responsible decision-making (CGS § 10-222v).

The task force must submit its findings and recommendations to the Children's and Education committees by January 1, 2023. The task force terminates on this date or when it submits the report, whichever is later.

Membership

Under the act, task force members include the Advisory Council for Special Education chairperson and the following individuals or their designees: the education, early childhood, and children and families commissioners; the chief court administrator, and the Special Education Equity for Kids of Connecticut director.

It also includes eight appointed members as listed in the table below.

Task Force to Combat Ableism Appointed Members

Appointing Authority (Number of Appointments)	*Member Organization or Other Qualifier*
House speaker (two)	Educator employed by a local or regional school board A leader in social-emotional learning who works with children
Senate president pro tempore (two)	A special education teacher A member of the social and emotional learning and school climate advisory collaborative
House majority leader (one)	School administrator employed by a school board
Senate majority leader (one)	Local or regional school board chairperson
House minority leader (one)	Director or employee of a private nonprofit service or program provider for children with disabilities
Senate minority leader (one)	Director or employee of a private nonprofit organization

Appointing Authority (Number of Appointments)	*Member Organization or Other Qualifier*
	that provides disability-related services or programs for children

Appointing authorities must make initial appointments within 30 days after the act passes (i.e., June 23, 2022) and fill any vacancies. Appointed members may be legislators.

The act requires the House speaker and Senate president pro tempore to select the task force chairpersons from among its members. The chairpersons must schedule the first task force meeting within 60 days after the act passes (i.e., July 23, 2022).

Under the act, the Committee on Children's administrative staff serve in this capacity for the task force.

EFFECTIVE DATE: Upon passage

§ 11 — CONNECTICUT INTERSCHOLASTIC ATHLETIC CONFERENCE (CIAC) TASK FORCE

Establishes an eight-member task force to study the governance structure and internal procedures of CIAC and requires it to submit its findings and recommendations to the Education Committee by January 1, 2023

The act establishes an eight-member task force to study CIAC's governance structure and internal procedures, including (1) CIAC's leadership structure and how leadership positions are filled and (2) how the organization receives and resolves complaints filed by CIAC members and individuals.

CIAC is a private, nonprofit organization that regulates high school athletics. (Almost all Connecticut public and parochial high schools are dues-paying members.) CIAC members elect the organization's governing board members.

Membership

Under the act, task force members include the CIAC director, or his designee, and seven appointed members listed in the table below.

CIAC Task Force Appointed Members*

Appointing Authority	*Member Organization or Other Qualifier*
House speaker	Person with experience in coaching
Senate president pro tempore	Two persons who are the parents or guardians of a student athlete for a CIAC member school
House majority leader	Person who is an expert in diversity in sports
Senate majority leader	Athletic director for a CIAC member school
House minority leader	Person with expertise in sports management
Senate minority leader	Administrator at a CIAC member school
*PA 22-116, § 11, modified the qualifications for the following members: • House speaker appointee must be a coach at CIAC public school member • House majority leader appointee must, in addition to existing qualification, be a member of CIAC • Senate majority leader appointee must, in addition to existing qualifications, must be from a public school district	

Appointing authorities must make initial appointments within 30 days after the act's passage (i.e., June 26, 2022; date determined by passage of PA 22-116) and fill any vacancies. Appointed task force members may be legislators.

Leadership and Meetings

The act requires the House speaker and Senate president pro tempore to select the task force chairpersons from among its members. The chairpersons must schedule the first task force meeting within 60 days of the act's passage (i.e., July 26, 2022; date determined by passage of PA 22-116).

Under the act, Education Committee administrative staff serve as the task force administrative staff.

Report

The act requires the task force to submit its report to the Education Committee by January 1, 2023. The task force terminates on this date, or when it submits the report, whichever is later.

EFFECTIVE DATE: Upon passage

§ 12 — SCHOOL-BASED HEALTH CENTER GRANT EXPANSION PROGRAM

Requires DPH to administer a school-based health center grant expansion program in FY 23 to provide grants to certain school-based health center operators to expand the centers and their services

The act requires DPH to administer a school-based health center (SBHC) grant expansion program in FY 23 to provide grants to certain SBHC operators to expand the centers and the services they provide.

Under the act, applicants are eligible for a program grant if they operate a SBHC for any of the (1) 36 sites recommended for expanded mental health services in the School-Based Health Center Expansion Working Group's final report or (2) 124 schools recommended for expanded SBHC medical and mental health services in the final report. When awarding grants, the act requires DPH to prioritize SBHC operators that will provide services after regular school hours. Operators must apply to DPH (1) in a time and manner the department prescribes and (2) in collaboration with the local or regional school board for the district where the SBHC is located.

EFFECTIVE DATE: July 1, 2022

§ 13 — LEARNER ENGAGEMENT AND ATTENDANCE PROGRAM (LEAP)

Requires SDE to provide, within available appropriations, assistance and support for FY 23 to the school districts participating in LEAP

The act requires SDE to provide assistance and support to the school districts participating in LEAP. It must do so for FY 23 and within available appropriations. In practice, the program aims to help high-needs districts bring more students back into schools and enroll students in summer programs, among other things.

EFFECTIVE DATE: Upon passage

§ 14 — MINIMUM DUTY-FREE LUNCH PERIODS FOR TEACHERS

Creates a minimum 30-minute uninterrupted lunch period for teachers and other professional employees of school districts

By law, all professional certified school district employees (e.g., teachers, administrators, school social workers, and school counselors) who work directly with children must have a guaranteed, duty-free lunch period. The act requires that the period be uninterrupted and 30 minutes long or as long as the time prescribed in the appropriate collective bargaining agreement, whichever is greater.

EFFECTIVE DATE: July 1, 2022

§ 15 — MINORITY TEACHER CANDIDATE SCHOLARSHIP PROGRAM

Requires SDE to administer a new minority teacher candidate scholarship program; authorizes grants of up to $20,000 a year for high school graduates of priority school districts who are enrolled in a teacher preparation program at any four-year higher education institution

The act requires SDE to administer a new minority teacher candidate scholarship program. It defines "minority" as anyone whose race is defined as other than white or whose ethnicity is defined as Hispanic or Latino by the federal Office of Management and Budget for use by the Census Bureau.

Under the act, the program must provide an annual scholarship to minority students who (1) graduated from a public high school in a priority school district and (2) are enrolled in a teacher preparation program at any four-year higher education institution. Maximum grants cannot exceed $20,000 per year.

By law, a priority school district is a district that receives additional state grants based on a formula that considers high populations or concentrations of students (1) on temporary family assistance and (2) performing poorly on statewide mastery exams (CGS § 10-266p). (There are 15 priority school districts.)

The act requires SDE, in consultation with the Education Committee chairpersons, to develop a policy for administering the scholarships by January 1, 2023. The policy must address (1) any additional eligibility criteria, (2) scholarship payment and distribution, and (3) notifying high school students in priority school districts about the scholarship program.

Beginning with FY 24, SDE must annually award scholarships according to its policy and the act's requirements.

The act also allows SDE to accept public or private gifts, grants, and donations for the scholarship program.

EFFECTIVE DATE: July 1, 2022

§§ 16-22 — MINORITY TEACHER RECRUITMENT

Renames the minority teacher recruitment task force and requires it to study existing recruitment and retention programs

The act renames the minority teacher recruitment and retention (MTR) task force and requires it to study existing recruitment and retention programs. Under the act, the newly named "Task Force to Diversify the Educator Workforce" maintains the same membership and mission as outlined in existing law (see *Background*).

The act requires the task force to conduct a study to (1) evaluate the implementation of minority teacher recruitment and retention programs and state and local efforts and (2) analyze their effectiveness. The study must include at least the following:

1. a review of prior MTR legislation, including PA 18-34; PA 19-74; PA 19-117; and PA 21-2, June Special Session;
2. an evaluation of the programs and policies in that legislation, specifically their implementation and outcomes;
3. an assessment of (a) the strategies and resources being used to meet state law's goal for school boards to hire at least 250 new minority teachers and administrators annually, of which at least 30% are men, and (b) whether that goal is being realized; and
4. an analysis of any other MTR issue.

The act allows the task force to consult with SDE, Minority Teacher Recruitment Policy Oversight Council, and Education Committee co-chairpersons while conducting the study, which it must submit along with recommendations for legislation to the Education Committee by January 1, 2023 (see *Background*).

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

Background — Task Force Purpose

By law, this 13-member task force must study and develop strategies to increase and improve the recruitment, preparation, and retention of minority teachers in Connecticut public schools. Specifically, it must study the causes of the minority teacher shortage, current statewide and district demographics, and best practices (CGS § 10-156aa).

Background — Minority Teacher Recruitment Policy Oversight Council

This council within SDE advises the education commissioner on various minority teacher recruitment and retention methods, including high school, college, and interstate recruitment (CGS § 10-156bb).

§ 23 — TEACHER CERTIFICATION LAW REVIEW

Requires SDE to review the state's teacher certification statutes and regulations for obsolete provisions and barriers to entry into the profession, and report to the Education Committee by January 1, 2023

The act requires SDE to review the state's teacher certification statutes and regulations. The review must (1) identify obsolete provisions; (2) evaluate the existing requirements' effectiveness; and (3) analyze whether any of the laws create a barrier to entry or undue hardship for (a) teacher candidate recruitment or retention, including state reciprocity (including Puerto Rico) or (b) addressing student academic needs. The act allows SDE to seek stakeholder input while conducting its review.

SDE must report its findings and recommendations to the Education Committee by January 1, 2023.
EFFECTIVE DATE: Upon passage

§ 24 — CAREER AND TECHNICAL PATHWAYS INSTRUCTOR PERMIT

Authorizes SBE to issue career and technical pathways instructor permits if requested by a school board or RESC; the permits allow people who meet the criteria to teach part-time in a specialized field (i.e., manufacturing, allied health, computer technology, engineering, or the construction trades) for the 2022-23 and 2023-24 school years

The act authorizes SBE to issue career and technical pathways instructor permits if requested by a school board or regional educational service center (RESC). Under the act, these permits allow people who meet criteria to teach part-time in a specialized field (i.e., manufacturing, allied health, computer technology, engineering, or the construction trades) for the 2022-23 and 2023-24 school years.

The act requires the employing board or RESC to provide a program, developed in consultation with SDE, to help these permitted instructors with academic and classroom supports. The act prohibits these instructors from filling a position at a school that will displace a certified teacher employed there.

Under the act, the SBE-issued permit authorizes a person with specialized training, experience, or expertise in one of the fields described above to teach up to 20 classroom instructional hours per week in his or her field. To qualify, the person must have (1) an associate or bachelor's degree from an institution that is regionally accredited or accredited by either the Board of Regents or the Office of Higher Education or a qualifying credential (see below) in the specialized field and (2) at least two years' experience in one of those fields.

By law and under the act, a "credential" is a documented award issued by an authorized body, including the following:

1. a degree or certificate awarded by a higher education institution, private occupational school, or SBE-approved alternate route to certification program provider;
2. certification awarded through an exam process designed to demonstrate someone's knowledge, skill, and ability to perform a specific job;
3. a government-issued license that allows a qualifying person to practice a specific occupation; or
4. documented completion of an apprenticeship or job training program.

While employed, these instructors must be supervised by the school superintendent or a principal, administrator, or supervisor he or she designates. The designated supervisor must regularly observe, guide, and evaluate the instructor's performance.

Under the act, permitted instructors are not eligible for the Teachers' Retirement System (TRS) solely by holding a permit, but they are not excluded from TRS membership if they have a regular SBE-issued teacher's certificate.
EFFECTIVE DATE: July 1, 2022

§ 25 — REMOTE LEARNING

Permits school boards to authorize remote learning for students in grades kindergarten to 12 beginning with the 2024-25 school year and requires boards that provide remote learning to prohibit dual instruction

The act permits school boards to authorize remote learning for students in grades kindergarten to 12 beginning with the 2024-25 school year. Under prior law, boards had the option to provide remote learning only for grades 9-12.

For remote learning, existing law requires school districts to do the following:

1. instruct in compliance with the standards developed by the education commissioner under law and
2. adopt a policy on student attendance requirements during remote learning, which must (a) comply with the commissioner's guidance and (b) count attendance of any student who spends at least half of the day during virtual instruction engaged in virtual classes, virtual meetings, activities on time-logged electronic systems, and turning in assignments.

The act (1) similarly applies these requirements to remote learning for grades kindergarten to eight and (2) for all grades kindergarten to 12, requires districts to prohibit dual instruction (i.e., the simultaneous instruction by a teacher to students in-person in the classroom and students engaged in remote learning) as part of remote learning.

By law and unchanged by the act, "remote learning" is defined as instruction by means of one or more internet-based software platforms as part of a remote learning model.

The act also removes a provision from prior law stating that the commissioner's remote learning standards must not be considered regulations.
EFFECTIVE DATE: July 1, 2022

§ 26 — STATE EDUCATION RESOURCE CENTER (SERC)

Expands SERC's required programs and activities; removes the requirement that SERC's real estate leases be subject to DAS approval, review, or regulation

By law, the purpose of SERC, a quasi-public agency, is to help SBE provide programs and activities that promote educational equity and excellence.

SERC Programs and Activities

In addition to specific programs and activities in existing law, the act requires SERC to support local education agencies (i.e., public school districts) serving families', communities', and service providers' needs. It also requires, rather than allows, SERC to support programs and activities for early childhood education, school and district academic performance improvement, and opportunity gap closure. Lastly, it requires SERC to support and collaborate with other state agencies when performing any of the programs and activities required by law.

Department of Administrative Services (DAS) Approval of Real Estate Transactions

The act removes SERC leases of real property from DAS oversight but maintains the requirement that their terms be necessary or incidental to SERC and its board of directors carrying out their duties under state law. Under existing law, unchanged by the act, the following SERC real estate transactions remain subject to DAS approval, review, or regulation: investments, acquisitions, purchases, ownership, management, holdings, disposals, conveyances, deals, or agreements.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2022

§§ 27 & 28 — OPEN CHOICE PROGRAM

Expands the New Haven-area program to include Guilford public schools and creates new earmarks for excess, nonlapsing Open Choice funds appropriated to SDE

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. In consultation with RESCs, receiving districts determine whether to participate in the program and how many seats to make available to students.

Program Expansion (§ 27)

Beginning with the 2022-23 school year, the act makes Guilford public schools eligible to participate in the Open Choice Program as a receiving and sending district paired with New Haven public schools. (Although Guilford and New Haven are served by different RESCs, students in the program generally only attend public schools in the same RESC region.)

Earmarks for Excess Open Choice Funds (§ 28)

By March 1 each year, existing law requires the education commissioner to determine whether the number of students enrolled in Open Choice is lower than the number that appropriated funds anticipated. By law, these excess funds are nonlapsing, and the commissioner must use up to $500,000 of these funds for supplemental grants for Open Choice receiving districts on a pro-rata basis for each out-of-district student who is one of at least nine other out-of-district students attending the same school, up to $1,000 per student.

The act earmarks any remaining unspent Open Choice funds for the following purposes: (1) the second $500,000 for SERC to provide professional development to certified employees and other school personnel in Open Choice districts receiving students and (2) any remaining funds for wrap-around services for students participating in Open Choice, including tutoring, family support, and experiential learning.

Correspondingly, the act removes from prior law the following second and third earmark requirements for grants to receiving districts:

1. the next $500,000 to $999,999 to provide grants on a pro-rata basis, in an amount the commissioner determines,

to receiving districts that had more out-of-district students that school year than in the previous school year and

2. the remaining funds for the commissioner to use to increase Open Choice program enrolment in general.

EFFECTIVE DATE: July 1, 2022

§ 29 — TEACHER SHORTAGE AND RETENTION TASK FORCE

Creates a teacher shortage and retention task force to make recommendations that address (1) teacher attrition and retention, (2) teacher shortages across subject matter disciplines, and (3) issues relating to equity and diversity

The act creates the state teacher shortage and retention task force that must develop a report with recommendations addressing (1) teacher attrition rates and retention, including retirement system incentives; (2) teacher shortages across subject matter disciplines; (3) the impact of retention and shortages on financially distressed school districts; and (4) streamlining teacher certification without diminishing standards or a teaching certificate's professional value.

In developing the report, the task force must also (1) address issues relating to equity, diversity, and inclusion and (2) examine strategies other states use to address teacher shortages and to attract and retain teachers.

The task force must submit its report to the Children's and Education committees by January 1, 2024. The task force terminates on that date or when it submits its report, whichever is later.

Membership and Appointments

The 17-member task force consists of the education commissioner and the Teachers' Retirement Board's chief administrator, or their designees, plus the following appointed members:

1. two certified teachers for grades 6 to 12, one each recommended by the Connecticut Education Association (CEA) and the American Federation of Teachers-Connecticut (AFT-C), appointed by the House speaker;
2. two certified teachers teaching in grades kindergarten to 5, one each recommended by CEA and AFT-C, appointed by the Senate president pro tempore;
3. one certified teacher in a priority school district, recommended by CEA, appointed by the House majority leader;
4. one certified teacher in a priority school district, recommended by AFT-C, appointed by the Senate majority leader;
5. one certified administrator, recommended by the Connecticut Association of Schools (CAS), appointed by the House minority leader;
6. one certified administrator serving as the principal of a school in a priority school district, recommended by CAS, appointed by the Senate minority leader;
7. one certified teacher serving on the Minority Teacher Recruitment Policy Oversight Council, appointed by the Education Committee's House chairperson;
8. one certified teacher serving, or who has served, on the Task Force to Diversify the Educator Workforce (formerly the Minority Teacher Recruitment Task Force), appointed by the Education Committee's Senate chairperson;
9. one faculty member at a Connecticut higher education institution who has expertise in teacher recruitment strategies, recommended by the Connecticut chapter of the American Association of Colleges for Teacher Education, jointly appointed by the Education Committee's House and Senate ranking members; and
10. one State Board of Education member, one Technical Education and Career System board member, and two Connecticut Association for Public School Superintendents representatives, all appointed by the governor.

Appointing authorities must make their appointments by July 24, 2022 (30 days after the act's passage) and fill any vacancies. The House speaker and Senate president pro tempore must select the chairpersons from among the task force's membership. The chairpersons must schedule the first meeting by August 23, 2022 (60 days after the act's passage).

The Education Committee's administrative staff serve as the task force's administrative staff.

EFFECTIVE DATE: Upon passage

§ 30 — UNIFIED SCHOOL DISTRICT #1 (USD #1) STUDY

Requires DOC, in consultation with SDE, to study how the funding of USD #1, the school district that serves inmates, compares to the funding of other school districts and education programs

The act requires the Department of Correction (DOC), in consultation with SDE, to conduct a study of how USD #1, the school district within DOC that serves state inmates, is funded and how that funding compares to that of other school districts and education programs.

The study must include (1) an examination of the average cost per pupil for USD #1 students and the amount received

per pupil in state education funding for the students and (2) a comparison of those per pupil costs and per pupil funding with other school districts and education programs in the state.

DOC must submit a report on its findings and recommendations, if any, to the Appropriations and Education committees by January 1, 2023.

EFFECTIVE DATE: Upon passage

§ 31 — RAISING THE SPECIAL EDUCATION AGE LIMIT

Requires school districts to provide special education services to qualifying students until they reach age 22

The act requires school districts to provide special education services to qualifying students until they reach age 22, rather than 21. (In 2020, a federal court ruled that since Connecticut provides adult education that can result in a high school diploma for young adults up to age 22, federal special education law requires the state to provide special education to students up to the same age (*A.R. v. Connecticut State Board of Education*, 5 F. 4th 155 (2d Cir. 2021)). The federal Individuals with Disabilities Education Act requires states to provide public education to students eligible for special education up to the same age that the state provides education to those who are not eligible for special education.)

EFFECTIVE DATE: July 1, 2022

§§ 32 & 33 — ASIAN AMERICAN AND PACIFIC ISLANDER (AAPI) STUDIES

Starting with the 2025-26 school year, requires all local and regional boards of education to include AAPI studies in their social studies curriculum and adds AAPI studies to the state's existing required program of instruction for public schools

Beginning with the 2025-26 school year, the act (1) requires all school boards to include AAPI studies in their social studies curriculum and (2) adds AAPI studies to the state's existing required program of instruction for public schools as part of the social studies curriculum. As with other required subject matter areas under existing law, the act requires SBE to make AAPI curriculum materials available to help boards develop their instructional programs.

The act requires boards of education, in their AAPI curriculum, to at least include a focus on the history of Asian American and Pacific Islanders in the state, region, and United States and their contributions (1) towards advancing civil rights from the 19th century to the present day; (2) as individuals; in government; and to the arts, humanities, and sciences; and (3) as communities to the United States' economic, cultural, social, and political development.

In developing and implementing the new AAPI curriculum, the act allows boards to (1) use existing and appropriate public or private materials, personnel, and resources, including curriculum materials that SBE must make available under the act, and (2) accept gifts, grants, and donations, including in-kind donations. The curriculum must also meet SBE's statewide subject matter content standards.

EFFECTIVE DATE: July 1, 2022, for the new curriculum requirement for boards of education and July 1, 2025, for the addition of AAPI studies to the required program of instruction.

PA 22-100—sHB 5279
Education Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE OFFICE OF EARLY CHILDHOOD

SUMMARY: This act makes the following changes in the early childhood education statutes:

1. expands the Early Childhood Cabinet's membership and changes its attendance requirements and compensation allowances (§ 1);
2. makes a technical change to the criminal history records check system that certain child care providers who accept state child care subsidies must use (§ 2);
3. extends the validity of the early childhood teacher credential issued by OEC to certain people with associate degrees (§ 3); and
4. reduces, from 50 to 48, the number of weeks that a child care program must operate to be a "year-round" program, potentially expanding the number of programs covered by certain OEC program requirements or operations (§ 4).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2022, except the provisions on criminal history records checks (§ 2) and early childhood

teacher credentials (§ 3) take effect upon passage.

§ 1 — EARLY CHILDHOOD CABINET MEMBERSHIP AND COMPENSATION

The act increases the Early Childhood Cabinet's membership from 25 to 27, adding two appointments to the governor's eight under existing law. These new appointees must be (1) a licensed family child care home provider who is also a member of a staffed family child care network (i.e., a regional community initiative offering ongoing support services) identified by the OEC commissioner and (2) a parent recommended by an OEC-appointed parent advisory group. (By law, the cabinet is an advisory body to OEC.)

The act specifies that the following appointed parent or guardian members may be compensated, within available appropriations, for their time at and travel to cabinet meetings:

1. one with a child who attends or has previously attended a school readiness program, appointed by the House minority leader;
2. one with a child attending school in an educational reform district, appointed by the House speaker; and
3. one recommended by a parent advisory group, appointed by the governor.

Existing law, unchanged by the act, prohibits all other cabinet members from receiving compensation for their services.

Additionally, the act eliminates from prior law the mechanism that removes cabinet appointees if they miss three consecutive meetings or 50% of all meetings in one calendar year. By law, the cabinet must meet at least quarterly.

§ 2 — CRIMINAL HISTORY RECORDS CHECK SYSTEM

Prior law required relatives who provide child care services to a child and received Care 4 Kids child care subsidy payments from the state to submit to a check of the Connecticut Online Law Enforcement Communication Teleprocessing System. The act makes a technical change, requiring the check to be conducted through the Connecticut Criminal History Request System.

§ 3 — EARLY CHILDHOOD TEACHER CREDENTIAL

By law, OEC may issue an early childhood teaching credential to those who hold either an associate degree or a bachelor's degree with a concentration in early childhood education. The degree program must be (1) from a regionally accredited institution and (2) approved by OEC and either (a) the Board of Regents for Higher Education or (b) the Office of Higher Education.

Under prior law, this credential's validity expired on June 30, 2021, when issued to someone who holds an associate degree. The act removes the credential's expiration date.

§ 4 — YEAR-ROUND PROGRAM DEFINITION

The act lowers, from 50 to 48, the number of weeks per year that a child care program generally must operate to be considered a "year-round" program. (Existing law, unchanged by the act, provides a waiver process for school readiness programs seeking an exemption from the minimum weeks requirement.) In doing so, the act potentially increases the number of (1) school readiness programs that must use the excess portion of their per-pupil school readiness grant for salary staff increases and (2) child care programs to which the commissioner must give preference when purchasing services and awarding supplemental quality enhancement grants.

School Readiness Staff Salary Increases

By law, school readiness programs are non-religious, state-funded programs that provide a developmentally appropriate learning experience for children ages three to five years who are too young to enroll in kindergarten.

Existing law requires state-licensed school readiness programs that operate full-day, year-round programs and receive school readiness per-pupil state grants to use any grant amount exceeding $8,927 per child only to increase the salary of people directly responsible for teaching or caring for children in school readiness program classrooms (CGS § 10-16p(*l*)). By reducing the number of weeks that a school readiness program must operate to be considered a "year-round" program, the act potentially increases number of school readiness programs that must use their per-pupil grant excess for staff salary increases.

Purchase of Child Care Services

By law, if the OEC commissioner directly purchases child care services, she must give preference to providers of full-day and year-round programs. These programs may be provided by public schools, child care centers, group or family child care homes, family resource centers, or Head Start, among others (CGS § 17b-749a). By reducing the number of weeks that a child care program must operate to be considered a "year-round" program, the act potentially increases the number of child care programs to which the commissioner must give preference when purchasing services.

Supplemental Quality Enhancement Grant

By law, the OEC's supplemental quality enhancement grant program provides, within available appropriations, competitive grants to child care centers or school readiness programs to help them enhance their programs through accreditation or the purchase of educational equipment, among other things. The commissioner must give priority to applicant programs that operate year-round, among other criteria (CGS § 17b-749c). By reducing the number of weeks that a program must operate to be considered a "year-round" program, the act potentially increases the number of programs to which the commissioner must give preference when awarding this grant.

PA 22-116—sHB 5466
Education Committee
Appropriations Committee

AN ACT CONCERNING ASSORTED REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES

SUMMARY: This act makes the following changes in the education statutes:

1. requires the Connecticut Prevention Network to report to executive branch agencies and the Education Committee about the possibility of creating recovery high schools (§ 1);
2. allows parents and guardians to access the class rank of their minor child (i.e., a student under age 18) (§ 2);
3. extends the special education services and funding task force's report due date by two years, from January 1, 2022, to January 1, 2024 (see BACKGROUND) (§ 3);
4. requires the executive director of the Connecticut Association of Boards of Education (CABE), or his designee, to convene a working group to make recommendations about consolidating or eliminating obsolete or redundant professional development requirements (§ 4);
5. requires OEC commissioner to include a family income provision in state contracts with child care homes and centers for disadvantaged children (§ 5);
6. adds licensed marriage and family therapists (MFTs) to the list of professionals about whose employment SDE must annually survey school boards, and requires the education commissioner to report the survey results and student-to-worker ratio for MFTs to the Children's and Education committees (§ 6);
7. adds MFTs to the new grant program that SDE must create under PA 22-80, §§ 4 & 5, to hire and retain more school social workers, school psychologists, school counselors, and nurses (§§ 7 & 8);
8. requires boards of education to provide paraprofessionals with (a) adequate notice, and training when requested, before attending planning and placement team (PPT) meetings and (b) access to their students' individualized education programs (IEPs) (§ 9);
9. adds new duties for any school counselor hired by a board using SDE's new grant program established under PA 22-47, § 13 (§ 10); and
10. adds some qualifications for certain members of the task force created by PA 22-80, § 11, to study CIAC's governance structure and internal procedures (§ 11).

EFFECTIVE DATE: July 1, 2022, except provisions on the following topics take effect upon passage: the special education funding task force (§ 3), professional development working group (§ 4), school district employment survey (§ 6), school counselor hiring grants (§ 10), and CIAC task force (§ 11).

§ 1 — RECOVERY HIGH SCHOOLS

The act requires the Connecticut Prevention Network to develop a report about recovery high schools, if the network is available and willing. According to the act, recovery high schools are designed specifically for students in recovery from substance use disorder or co-occurring disorders. The network's report must address at least the following topics: (1) how

other states have implemented and integrated recovery high schools into their public school system and (2) recommendations for establishing and implementing these schools in Connecticut. The network may consult with regional behavioral health action organizations while developing its report.

By January 1, 2024, the network must submit its findings and recommendations to the Department of Education, Department of Mental Health and Addiction Services, and the Education Committee.

§ 2 — ACCESS TO STUDENT CLASS RANK

By law, any minor student's parent or legal guardian may request access to educational, medical, or similar records maintained in the student's record, so long as the information is not privileged under state law. The act expands this access to include the student's class rank. By law and unchanged by the act, parents or guardians must submit a written request for this information to the board of education.

§ 4 — PROFESSIONAL DEVELOPMENT WORKING GROUP

The act requires the CABE executive director, or his designee, to convene a nine-member working group, if he is available and willing, to examine and make recommendations about consolidating or eliminating obsolete or redundant professional development requirements.

Under the act, the group must consist of the education commissioner, or her designee, along with one representative chosen from each of the following associations: CABE, Connecticut Association of Public School Superintendents, Connecticut Federation of School Administrators, Connecticut Education Association, American Federation of Teachers-Connecticut, Connecticut Association of School Administrators, Connecticut Association of Schools, and Special Education Equity for Kids of Connecticut.

The group must report to the Education Committee by January 1, 2024, on its findings and recommendations for legislation to amend the professional development and in-service training laws.

§ 5 — CHILD CARE HOMES AND CENTERS FOR DISADVANTAGED CHILDREN

By law, the state through the OEC commissioner may enter into contracts that provide state financial assistance (i.e., grants) to municipalities, human resource development agencies, nonprofit corporations, or group or family child care homes for developing and operating child care homes or centers for disadvantaged children. Beginning July 1, 2022, the act requires any of these contracts that the OEC commissioner enters to include a provision requiring at least 60% of the enrolled children to be from families with incomes at or below 75% of the state median income.

§§ 6-8 — LICENSED MARRIAGE AND FAMILY THERAPISTS

School District Employment Survey (§ 6)

PA 22-80, § 3, requires SDE to develop and distribute a survey by July 1, 2023, within available appropriations that school districts must annually complete about the number of school social workers, psychologists, counselors, and nurses they employ. The act adds licensed MFTs' employment to the survey. Specifically, the survey must also include information on (1) the number of MFTs employed and assigned to each school in a district; (2) whether any are assigned to more than one school, and if so, the geographic area they cover; and (3) an annual estimate of how many students received direct services from MFTs during the five-year period before the survey is completed.

After receiving a district's completed survey, the act requires the education commissioner to annually calculate the student-to-worker ratio for the MFTs in each school and each district. Beginning by January 1, 2024, the commissioner must annually submit a report on the survey's results and the student-to-worker ratios to the Children's and Education committees.

Grant Program for MFT Hiring and Retention (§ 7)

The act adds MFTs to the new grant program that SDE must create under PA 22-80, §§ 4 & 5, for FYs 23 to 25 to hire and retain more school social workers, school psychologists, school counselors, and nurses.

Applications. PA 22-80 requires grant applications to be filed with the education commissioner when and how she decides. As part of the application, an applicant must submit a (1) grant expenditure plan and (2) copy of the completed

survey school board employment survey. The act adds the following information to the plan requirements for grant applications for MFTs:

1. the number of additional licensed MFTs to be hired;
2. the number of licensed MFTs being retained who were previously hired with the assistance of these grant funds; and
3. whether the licensed MFTs will conduct student assessments or provide services to students based on assessment results, and the type of those services.

Grant Awards. The act requires the commissioner to prioritize school districts with large student-to-worker ratios for licensed MFTs when determining whether to award a grant to an applicant.

Conforming Changes (§ 8)

The act also makes conforming changes to specify that the grant program administrator that SDE must hire under PA 22-80, § 5, must also oversee grant applications for school boards' employment of licensed MFTs.

§ 9 — PARAPROFESSIONALS AND PPT MEETINGS

Under the act, local and regional boards of education must provide adequate advance notice of a PPT meeting to any paraprofessional assigned to a student receiving special education services (1) if the parent, guardian, student, or surrogate parent has requested his or her attendance and (2) so that he or she may adequately prepare. Additionally, if the paraprofessional requests it, a board must provide training on his or her role at the meeting. Specifically, these requirements apply to PPT meetings where a student's IEP is developed, reviewed, or revised.

The act also requires that the board allow the paraprofessional attending the PPT meeting, or any other paraprofessional serving the student, to view the IEP that results from the meeting to be able to provide the student with special education or related services.

§ 10 — NEW REQUIREMENTS FOR SCHOOL COUNSELOR HIRING GRANTS

PA 22-47, § 13, requires SDE to administer a grant program for FYs 23-25 to provide funding to boards of education to hire school mental health specialists, including school counselors, among others. The act adds a new duty for any school counselor hired by a board that receives this grant. Under the act, the counselor must provide one-on-one consultations with each student in grades 11 and 12 about the completion of the Free Application for Federal Student Aid (FAFSA), which students must submit to higher education institutions to be eligible for federal, state, or institutional aid.

Additionally under the act, if the employing board can prove to the education commissioner that the school district's FAFSA completion rate has increased by at least 5%, then the board will receive a 10% bonus on top of the grant received in the fiscal year when the board demonstrated the completion rate increase.

PA 22-47 also requires boards to submit a plan for grant fund spending when they apply for a grant. In addition to the information required under PA 22-47, the act requires the plan to describe how the board will implement the FAFSA counseling requirements and completion rate demonstration.

The act also makes conforming and technical changes.

§ 11 — CIAC TASK FORCE MEMBERSHIP

The act adds some qualifications for certain members of the task force created by PA 22-80, § 11, to study CIAC's governance structure and internal procedures. The act specifies that the (1) House speaker's appointee must be a coach for a public school district that is a member of CIAC; (2) House majority leader's appointee must be an expert in diversity in sports that is a member of CIAC and (3) Senate majority leader's appointee must be an athletic director for a public school district, rather than any school district, that is a CIAC member.

BACKGROUND

Special Education Services and Funding Task Force

Existing law requires this task force to study, among other things, (1) the cost of providing special education and related services per school district, along with its annual percentage increase or decrease; (2) state reimbursement levels to districts for these costs; and (3) whether boards of education are providing services directly or partnering with regional education

service centers, private providers, or as part of cooperative arrangements with other districts (PA 21-95, § 3).

PA 22-125—sSB 228
Education Committee
Appropriations Committee

AN ACT CONCERNING THE PIPELINE FOR CONNECTICUT'S FUTURE PROGRAM AND THE PROVISION OF INFORMATION ABOUT THE AVAILABILITY OF TECHNICAL EDUCATION AND CAREER SCHOOLS AND REGIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY EDUCATION CENTERS

SUMMARY: This act requires local and regional boards of education ("school boards") to require that their school counselors provide information to middle and high school students and their parents on the availability of (1) vocational, technical, technological, and postsecondary education and training at technical education and career schools (i.e., "technical high schools") and (2) agricultural science and technology education at regional agricultural science and technology education centers (i.e., "vo-ag programs"). It also requires school boards to publish this information on their websites. Under prior law, school boards had to inform these students and parents about the availability of this education and training.

The act also requires SDE, by July 1, 2023, to develop best practices that school boards may use when setting up a Pipeline for Connecticut's Future program (i.e., a pathways program), which involves boards partnering with local businesses to offer students on-site training and course credit (CGS § 10-21k). In doing so, SDE must collaborate with stakeholders and school boards that have successfully implemented a pathways program. Additionally, SDE must make these best practices available to school boards upon request.

Lastly, the act requires the SDE commissioner to review existing state laws and regulations related to school boards setting up pathways programs and identify any obstacles or prohibitions that may limit a board's ability to build partnerships with local businesses and create a successful program. Under the act, the review may include laws governing attendance, course credit for schoolwork performed outside the classroom or in an apprenticeship setting, and educator certification. By January 1, 2023, the commissioner must submit any recommendations for legislation to, presumably, the Education and Higher Education and Employment Advancement committees.

EFFECTIVE DATE: July 1, 2022, except the pathways program-related review and reporting provision is effective upon passage.

PA 22-5—SB 10
Energy and Technology Committee

AN ACT CONCERNING CLIMATE CHANGE MITIGATION

SUMMARY: This act requires the state to eliminate greenhouse gas emissions from electricity supplied to electric customers in the state by January 1, 2040. The act establishes this requirement as part of the state's Global Warming Solutions Act (see BACKGROUND).

By law, the Global Warming Solutions Act requires the state to reduce greenhouse gas emissions from all sources to a level at least (1) 10% below 1990 emission levels by January 1, 2020; (2) 45% below 2001 emission levels by January 1, 2030; and (3) 80% below 2001 emission levels by January 1, 2050. This act additionally requires the state to reduce greenhouse gas emissions from electricity supplied to electric customers in the state to zero percent by January 1, 2040.

By law, the Department of Energy and Environmental Protection (DEEP) commissioner determines emission levels. Greenhouse gas includes any chemical or physical substance emitted into the air that the DEEP commissioner reasonably anticipates will cause or contribute to climate change (e.g., carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride).
EFFECTIVE DATE: July 1, 2022

BACKGROUND

Global Warming Solutions Act Reporting Requirements

By law, every three years, the DEEP commissioner, in consultation with OPM and the governor's Steering Committee on Climate Change, must report to the Energy and Technology, Environment, and Transportation committees on quantifiable emissions reductions achieved under these provisions. Among other things, the report must include a schedule of proposed regulations, policies, and strategies designed to achieve the act's emissions reduction requirements.

PA 22-6—sSB 93
Energy and Technology Committee

AN ACT CONCERNING THE COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM

SUMMARY: This act expands the types of projects that the Connecticut Green Bank's Commercial Property Assessed Clean Energy Program (C-PACE) may finance to include installing on qualifying commercial real property (1) zero-emission vehicle refueling infrastructure and (2) resilience improvements. By law, a "zero-emission vehicle" is an electric, hybrid, or other vehicle certified by the California Air Resources Board to produce zero emissions of certain pollutants (CGS § 4a-67d). "Resilience" means the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from deliberate attacks, accidents, or naturally occurring threats or incidents, including threats or incidents associated with climate change impact (CGS § 16-244aa). To qualify, these projects must be permanently fixed to the commercial property.

Generally, C-PACE finances certain energy improvement projects, and the property owner repays the costs through an assessment on the property, backed by a lien. Prior law required the Green Bank to adopt standards to ensure that the project's energy cost savings over its useful life exceed its costs. The act instead requires that these standards determine whether the project's combined projected energy cost savings and other associated savings over its useful life exceed its costs. It also (1) exempts zero-emission vehicle refueling infrastructure and resilience improvement projects from these standards and (2) requires the Green Bank to develop separate eligibility criteria for resilience projects.

The act also makes minor, technical, and conforming changes.
EFFECTIVE DATE: October 1, 2022

RESILIENCE PROJECT ELIGIBILITY REQUIREMENTS

For resilience improvements, the act requires the Green Bank to consult with the Department of Energy and Environmental Protection and the Connecticut Institute for Resilience and Climate Adaptation to develop financing eligibility criteria consistent with state environmental resource protection and community resilience goals.

By law, if a qualified property owner requests C-PACE financing, the Green Bank must first require an energy audit

or a renewable energy system feasibility analysis to assess the project's expected energy cost savings over its useful life. The act also allows the Green Bank to require a resilience study to assess the project's expected resilience cost savings over its useful life.

PA 22-14—sSB 176
Energy and Technology Committee

AN ACT CONCERNING CLEAN ENERGY TARIFF PROGRAMS

SUMMARY: This act expands the Non-Residential Energy Solutions (NRES) and the Shared Cleaner Energy Facilities (SCEF) programs (see BACKGROUND).

The act increases the yearly amount of capacity in megawatts (MW) available for (1) zero-emissions NRES projects (e.g., solar facilities) from 50 to 100 MW and (2) SCEF projects from 25 to 50 MW (§ 3). Existing law establishes a six-year schedule for these programs and prior law capped the aggregate capacity of both programs at 85 MW each year. The act correspondingly raises the aggregate cap for NRES and SCEF projects from 85 to 160 MW in years two through six. Under prior law, megawatts available under the programs for each year expired annually. The act instead requires the available megawatts to roll over to the next program year.

The act increases the eligible project size for these programs, from two to five MW for NRES and from four to five MW for SCEF (§ 1). It also increases the potential size of NRES projects by allowing commercial and industrial customers to participate in the program using their entire rooftop space, exempting them from a provision that generally limits project size based on the customer's load (i.e., amount of the energy the customer uses) (§ 4).

For SCEF, the act increases the proportion of the program that must benefit low-income customers (§ 2). It increases the amount of each SCEF facility's total capacity that must be sold, given, or provided to low-income customers from 10% to 20%. It also increases the amount that must go to low- or moderate-income customers or low-income service organizations (i.e., organizations assisting low-income people) from 10% to 60%. Under prior law, these requirements were separate, but under the act, the low-income requirement may be used to meet the larger low-income, moderate-income, and service organization requirement. The act also (1) defines "low-income" based on state median income, rather than area median income, and (2) broadens the definition of "moderate-income."

Lastly, the act requires OPM to study how property taxes apply to commercial solar projects sized at 50 kilowatts or more and report to the Energy and Technology and Planning and Development committees by January 1, 2023 (§ 5).
EFFECTIVE DATE: October 1, 2022, except the study requirement is effective upon passage.

LOW- AND MODERATE-INCOME CUSTOMERS FOR SCEF REQUIREMENTS

Under prior law, "low-income" customers had incomes up to 80% of the area median income as defined by the U.S. Department of Housing and Urban Development. The act instead defines "low-income" as up to 60% of the state median income. By law, affordable housing facilities are also low-income customers. The act correspondingly removes reference to an existing statutory definition that is based on area median income.

Under prior law, moderate-income customers were those with incomes between 80% and 100% of area median income. The act broadens this definition to include customers between 60% and 100% of area median income.

PROPERTY TAX STUDY

The act requires OPM to study how property taxes apply to commercial solar generation projects with a nameplate capacity rating of at least 50 kilowatts. To conduct the study, OPM must consult with the Connecticut Conference of Municipalities, the Connecticut Council of Small Towns, and industry representatives. The act requires OPM to report on the study to the Energy and Technology and Planning and Development committees by January 1, 2023. The report must:

1. summarize the current statutory framework for personal and real estate property taxes on these projects and
2. recommend changes that would remove inconsistencies in these statutes and allow for equitable property tax treatment of commercial solar generation projects across the state.

BACKGROUND

NRES Program

The NRES program allows non-residential customers (e.g., commercial and industrial customers) to participate in an annual solicitation conducted by Eversource and United Illuminating in which selected projects enter into a 20-year contract with the companies 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)). The law has a six-year schedule for the program, which is currently in its first year (i.e., 2022 is Year 1).

SCEF Program

Generally, a shared clean energy facility allows customers to subscribe for energy or RECs from a facility that is not on the customer's premises. Under the SCEF program, eligible facilities are Class I renewable energy sources (e.g., wind or solar) served by Eversource or United Illuminating with at least two subscribers in the same utility service territory as the facility (CGS § 16-244z(a)(2)(C)). Eversource and United Illuminating conduct an annual solicitation using a competitive bidding procurement process and enter into 20-year contracts with selected projects. The law establishes a six-year schedule for the program, which is currently in its third year (i.e., 2020 was Year 1).

PA 22-20—SB 94
Energy and Technology Committee

AN ACT CONCERNING CERTAIN MODIFICATIONS TO GAS PIPELINE PROCESSES

SUMMARY: This act expands the Public Utilities Regulatory Authority's (PURA) authority over certain gas transportation entities (e.g., propane systems and municipal gas distribution systems). Among other things, it does the following:

1. gives PURA access to these entities' facilities,
2. brings them under PURA's investigatory powers,
3. provides whistleblower protections to their employees,
4. allows PURA to order them to make certain improvements or repairs,
5. requires them to notify PURA about certain accidents, and
6. allows PURA to impose certain penalties on them.

The act aligns PURA's authority over gas transportation entities with applicable federal standards by (1) explicitly citing the federal regulations that the state adopts as its safety standards for pipeline facilities and the transportation of gas and (2) capping the maximum state penalties at the maximum amount allowed under federal regulations rather than federal law.

It also establishes a process by which the PURA commissioners can stop the work on a project covered by the "Call Before You Dig" laws if there is an immediate, life-threatening hazard resulting from a willful violation.

Lastly, the act repeals obsolete and duplicative laws that generally require gas utility companies to submit a biennial report to PURA on their underground facilities (§§ 12-13).

EFFECTIVE DATE: October 1, 2022

§§ 1-6 & 10 — PURA JURISDICTION OVER GAS TRANSPORTATION

The law gives PURA jurisdiction over public services companies, which include investor-owned natural gas distribution companies (e.g., Eversource). The act extends certain elements of this jurisdiction to "persons involved in the transportation of gas," which, under the act, include a wider array of gas transporting entities, such as municipal gas distribution systems and propane systems.

Under the act:

1. "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;
2. "gas" is natural gas, flammable gas, or toxic or corrosive gas; and
3. "transportation of gas" is the gathering, transmission, or distribution of gas by pipeline or its storage.

PURA Access to Facilities (§ 1)

The law allows PURA or its designees to access a public utility company's or retail electric supplier's premises, buildings, cars, or other places that it owns or controls. The act expands this access to also cover the company's or supplier's "plants." By law a company's "plants" include all real estate, buildings, tracks, pipes, mains, poles, wires, and other fixed or stationary construction and equipment, wherever located, used in the conduct of the company's business (CGS § 16-1). The act similarly gives PURA access to the premises, buildings, plants, cars, and other places owned or controlled by persons involved in the transportation of gas.

The act also increases the maximum fine that may be imposed on someone who obstructs or hinders PURA's access from $200 to $10,000. Under existing law, unchanged by the act, the offender may be imprisoned up to six months or both fined and imprisoned.

Investigatory Powers (§ 2)

The law allows PURA to summon witnesses and require the production of various documents related to a public service company's affairs. The act expands this authority to also cover the affairs of persons involved in the transportation of gas.

The act similarly expands PURA's authority to have management audits performed on the operating procedures or other internal workings of a person involved in the transportation of gas, including the relationship between the person and a related holding company or subsidiary. Existing law already gives PURA this authority over public service companies, and the act extends the same procedural requirements and criteria to audits of a person involved in the transportation of gas.

As under the existing law for auditing public service companies, if the audit finds that the operating procedures or internal workings of the person involved in the transportation of gas are inefficient, improvident, unreasonable, negligent, or in abuse of discretion, PURA may order the person to adopt new or altered practices and procedures.

Whistleblower Protections (§ 3)

The act extends PURA's whistleblower protections to employees of (1) persons involved in the transportation of gas and (2) entities that directly or indirectly provide goods to people involved in the transportation of gas. In doing so, it does the following, among other things:

1. prohibits these employers from taking any retaliatory actions against their employees for disclosing the substantial malfeasance of a person involved in the transportation of gas;
2. allows their employees to inform PURA about any prohibited retaliatory actions or malfeasance in management;
3. allows PURA to investigate and issue orders, impose civil penalties, award attorney's fees, and order payment for back pay;
4. voids any agreement between the employees and employers if it discourages the employee from presenting a written complaint or testifying about the malfeasance; and
5. requires a notice to be posted in these employees' workplaces, in accordance with PURA's regulations, informing them about the whistleblower protections.

PURA Authority to Order Improvements (§ 4)

The law generally requires PURA to keep fully informed about the conditions of a public service company's plant, equipment, and operations, in respect to its adequacy, suitability, and safety. It also authorizes PURA to order a company to make reasonable improvements, repairs, or alterations in its plants, equipment, or operations that may be reasonably necessary for the public interest.

The act extends this requirement and authority to include persons involved in the transportation of gas.

Accident Reporting (§ 5)

As the law already requires for public service companies and retail electric suppliers, the act requires persons involved in the transportations of gas to notify PURA, as soon as reasonably possible, about any accident, other than a minor accident, that (1) was, or may have been, connected with or due to the operation of their property and (2) involved personal injuries or public safety. If the notice is given in a nonwritten form, it must be confirmed in writing within five days after the accident. The persons involved in the transportation of gas must also submit a monthly written report on minor accidents to PURA. Failure to comply with these requirements is subject to a fine of up to $500 per offense.

Enforcement (§ 6)

By law, PURA-regulated entities must obey, observe, and comply with all applicable provisions of the laws for public service companies and PURA's applicable regulations and orders. The law specifies the process for notifying alleged violators and giving them the opportunity for a hearing on the matter. It requires violators to be penalized by PURA's order under the applicable statutory penalty or, if no penalty is prescribed, with a fine of up to $10,000, restitution, or a combination of both for each offense. The act expands these provisions to also cover persons involved with the transportation of gas.

It also specifies that the maximum civil penalty PURA may impose is the maximum allowed by law, not the penalty stated in the notice of violation (as prior law specified).

Stop-Work Orders (§ 10)

The act authorizes PURA's commissioners to order any work performed by a person involved in the transportation of gas to stop immediately if the work may endanger someone.

§§ 7-9 — FEDERAL STANDARDS & PURA REGULATIONS

PURA Waivers (§ 7)

Existing state law requires persons involved in the transportation of gas or the maintenance of gas pipelines to follow federal safety standards, but it also generally allows PURA to adopt regulations that are more specific than the federal standards under certain circumstances. The law also generally allows PURA to waive the federal standards in individual cases when warranted by local circumstances or conditions. The act allows PURA to also do this for the regulations it adopts.

Federal Standards (§ 8)

Prior law adopted the federal safety standards applicable to pipeline facilities and the transportation of gas. The act limits their application to the transportation of gas and explicitly cites the applicable federal regulations for these standards (49 C.F.R. §§ 191-193 & 199).

Penalties (§ 9)

Under prior law, violators of the federal law or regulations on natural gas pipeline safety (49 U.S.C. Chapter 601) or state law or regulations on natural gas pipelines were subject to a civil penalty up to the maximum allowed under the federal law. The act instead allows the penalty to be up to the higher of the maximum allowed under (1) the federal law or (2) federal regulations on pipeline safety (49 C.F.R. § 190.223(a)).

§ 11 — CALL BEFORE YOU DIG STOP-WORK ORDERS

Existing law requires companies and individuals engaging in excavation, discharge of explosions, or demolition projects to comply with certain safety-related requirements (i.e., the "Call Before You Dig" laws).

Under the act, if there is an immediate, life-threatening hazard resulting from a willful violation of the Call Before You Dig laws or their related regulations, PURA's commissioners must immediately notify the entity responsible for the project about the hazard and violation. Upon receiving the notification, the responsible entity must promptly abate the hazard and violation. If it does not do so in a reasonable time frame, the act authorizes the commissioners to stop the project immediately until the hazard and violation have been abated.

PA 22-29—HB 5201
Energy and Technology Committee
Public Health Committee

AN ACT CONCERNING PUBLIC HEALTH CONCERNS IN THE ACQUISITION OF WATER COMPANIES

SUMMARY: This act requires PURA to consider public health concerns when determining if a water company (e.g., a deficient well system, see BACKGROUND) should be acquired by another entity.

By law, if PURA, in consultation with the Department of Public Health (DPH), determines that the costs to acquire and improve a water company are necessary and reasonable, it must order the water company to be acquired by the most suitable public or private entity. When making this decision PURA must consider:

1. how close the acquiring entity's facilities and infrastructure are to the water company;
2. whether the acquiring entity has the financial, managerial, and technical resources to operate the water company reliably and efficiently and provide continuous, adequate service;
3. the current rates the acquiring entity charges its customers; and
4. any other factors PURA deems relevant.

The act requires PURA to also consider public health concerns, including any closed or active consent decrees or deficiencies DPH identifies that relate to the water company.

EFFECTIVE DATE: October 1, 2022

BACKGROUND

Water Companies Subject to Acquisition Orders

The law generally allows PURA to order that a "water company" be acquired by another entity if it is economically non-viable or it failed to comply with certain orders on water quality or quantity. The water companies that may be subject to the order are:

1. a business, person, or lessee that owns, leases, maintains, operates, manages, or controls any pond, lake, reservoir, stream, well, or distributing plant or system that supplies water to at least two service connections or 25 people or
2. a deficient well system serving properties within a defined geographic area in which at least 25 people are served by private wells that (a) do not meet public health standards for potable water; (b) had funding discontinued for filters to respond to documented groundwater contamination; (c) are otherwise unable to serve existing properties with adequate water quality, volume, or pressure; or (d) limit on-site resolution of documented wastewater disposal issues in the system (CGS § 16-262n).

PA 22-55—HB 5327
Energy and Technology Committee

AN ACT CONCERNING ENERGY STORAGE SYSTEMS AND ELECTRIC DISTRIBUTION SYSTEM RELIABILITY

SUMMARY: This act sets more requirements for electric distribution companies (EDCs, i.e., Eversource and United Illuminating) seeking to build, own, or operate energy storage systems (see BACKGROUND). It also requires PURA to direct the EDCs to each submit up to three proposals for an energy storage pilot program.

Prior law generally allowed (1) EDCs to build, own, or operate storage systems and (2) PURA to authorize an EDC to recover from ratepayers prudently incurred costs and investments related to these systems, first through a fully reconciling component of ratepayer bills, and then, at the company's next rate case, through base distribution rates. The act limits this provision to energy storage systems that enhance distribution reliability or resiliency. It also requires, rather than allows, PURA to authorize EDCs to recover their prudently incurred costs and investments for these systems, but PURA must do so only through a contested case during the company's next rate case. The act eliminates the company's ability to recover its costs through a fully reconciling rate component.

For completed systems, both generally and under the pilot program, the act requires EDCs to maximize the value from the system's participation in wholesale electricity, capacity, or other markets, as applicable, while maintaining distribution system reliability. Under the act, the companies must credit any net revenues the system generates through market participation to ratepayers to offset the completed system's cost.

EFFECTIVE DATE: October 1, 2022, except the pilot program provisions are effective upon passage.

ENERGY STORAGE PILOT PROGRAM

The act requires PURA to direct each EDC to submit up to three proposals by January 1, 2023, for a pilot program for each company to build, own, and operate energy storage systems to demonstrate and investigate how these systems can improve critical infrastructure resiliency and electric distribution system reliability. It requires PURA to approve or modify

an EDC's proposal if it concludes that investment in energy storage systems under the proposal is reasonable, prudent, and provides value to ratepayers.

The act allows EDCs to recover prudently incurred costs associated with the pilot program, first through a fully reconciling component of electric rates for all customers and then, at the company's next rate case, through base distribution rates. It specifies that the pilot program requirements do not limit or cap provisions described above generally allowing EDCs to build, own, or operate energy storage systems.

BACKGROUND

Energy Storage Systems

By law, an "energy storage system" is any commercially available technology able to absorb energy, store it for some time, and then dispatch it (e.g., a battery). The system must also be able to:

1. use mechanical, chemical, or thermal processes to store electricity generated at one time for later use;
2. store thermal energy for direct use for heating or cooling at a later time in a way that avoids the need to use electricity later;
3. use mechanical, chemical, or thermal processes to store electricity generated from renewable energy sources for later use; or
4. use mechanical, chemical, or thermal processes to capture or harness waste electricity and store this electricity generated from mechanical processes for later delivery (CGS § 16-1(a)(48)).

PA 22-76—HB 5202
Energy and Technology Committee

AN ACT EXEMPTING EXISTING NUCLEAR POWER GENERATING FACILITIES IN THE STATE FROM THE NUCLEAR POWER FACILITY CONSTRUCTION MORATORIUM

SUMMARY: This act exempts any nuclear power generating facility currently operating in the state (i.e., the Millstone Power Station in Waterford) from the state's moratorium on building new nuclear power facilities.

Generally, the moratorium prohibits construction from starting on a new nuclear power facility unless and until the energy and environmental protection commissioner finds that the federal government has identified and approved a demonstrable technology or way to dispose of high-level nuclear waste.

EFFECTIVE DATE: October 1, 2022

PA 22-27—sHB 5142
Environment Committee

AN ACT CONCERNING EXTENDED PRODUCER RESPONSIBILITY FOR CERTAIN GAS CYLINDERS

SUMMARY: This act requires the establishment of statewide stewardship programs for gas cylinders (e.g., propane tanks or canisters) supplied to consumers for personal, family, or household use and discarded at certain locations.

Under the act, gas cylinder producers must be part of an approved and implemented stewardship program by October 1, 2025. The act prohibits producers who fail to participate in an approved gas cylinder stewardship plan from supplying, selling, or offering gas cylinders for sale in Connecticut, including through a sales outlet, catalog, website, or similar electronic means. The prohibited supplying also includes leasing, donating, distributing, or otherwise making the cylinders available.

Under the act, a plan for a gas stewardship program must be submitted to the Department of Energy and Environmental Protection (DEEP) for approval by July 1, 2023. Among other things, a program must minimize public sector involvement in managing discarded gas cylinders. The act allows the DEEP commissioner to assess a reasonable fee for program administration, based on market share, of up to $2,000 annually for each producer with an approved plan.

The act also (1) allows the DEEP commissioner to civilly enforce program requirements, (2) establishes audit and reporting requirements, (3) provides immunity to producers or their designees from antitrust or unfair trade practice claims under certain circumstances, and (4) allows for collaboration with another state with a gas cylinder recycling program.
EFFECTIVE DATE: July 1, 2022

PROGRAM SCOPE

Gas Cylinders

Under the act, a "gas cylinder" is a nonrefillable or refillable cylinder with flammable pressurized gas, helium, or carbon dioxide, with greater than 0.5- and up to 50-pounds water capacity, that is supplied to a consumer for personal, family, or household use. It includes seamless cylinders and tubes, welded cylinders, and insulated cylinders intended to contain helium, carbon dioxide, or a flammable material such as propane, butane, or other compressed gas. It does not include (1) a cylinder, tube, or container intended to deliver a non-compressed gas product; (2) medical or industrial-grade cylinders; (3) cylinders used by medical facilities or commercial enterprises; and (4) cylinders containing oxygen, refrigerants, acetylene, hydrogen, ethylene, or foam adhesives.

The act covers gas cylinders discarded at the following locations: political subdivisions of the state, transfer stations, material recovery facilities, drop offs or events, disposal facilities, state parks or private campgrounds, and other approved entities that are part of an approved gas cylinder stewardship plan ("eligible entities").

Producers

The act applies to gas cylinder "producers," which are generally Connecticut cylinder suppliers under the manufacturers' brands (i.e., names, symbols, words, or marks attributing cylinders to their producers). If there is no such supplier, then the following, in order, would be considered the cylinder's producer:

1. an owner or licensee of a trademark under which a cylinder is supplied in Connecticut, regardless of trademark registration (but who is not the cylinder's manufacturer);
2. an importer of a cylinder for supply to a consumer;
3. the retailer who supplies the cylinder to a consumer; or
4. anyone who facilitates supplying a cylinder by (a) owning or operating an online marketplace or forum that lists or advertises the cylinder for sale, (b) transmitting or otherwise communicating the offer to sell a cylinder, or (c) providing for the physical distribution of a cylinder such as through storing, preparing, or shipping.

PROGRAM PURPOSES AND ESTABLISHMENT

By January 1, 2023, the act requires gas cylinder producers or their designees (including a gas cylinder stewardship organization) to notify the DEEP commissioner in writing that they will submit a plan (see below) to establish a statewide gas cylinder stewardship program, either on their own or jointly with other producers. A gas cylinder stewardship organization is an organization created by and representing producers that designs, submits, and implements a gas cylinder stewardship plan on their behalf.

The act also allows a person who is not a Connecticut resident, but is a brand holder of a brand used in connection with gas cylinders, to submit a stewardship plan (individually or by joining a stewardship organization) to fulfill a producer's responsibilities. The person must enter a written agreement with the producer (but not a retailer or supply facilitator who is a producer) to do so.

Under the act, a program must, to the extent it is technologically feasible and economically practical, minimize public sector involvement in managing discarded gas cylinders and provide the following:

1. free, convenient, and accessible statewide opportunities to receive gas cylinders used by consumers at eligible entities;
2. cylinder pick-up from eligible entities; and
3. cylinder transport and management after pick-up, according to agreements between producers and eligible entities that are consistent with the law.

Once a stewardship plan is implemented, eligible entities participating in the plan cannot charge for receiving discarded gas cylinders from consumers.

PLAN COMPONENTS

Under the act, a plan for a gas cylinder stewardship program must provide for refilling or recycling cylinders and capturing residual gases for reuse. It must also do the following:

1. describe how the program will promote collecting discarded cylinders supplied to consumers for personal, family, or household use;
2. identify the participating producers and eligible entities to be used;
3. establish performance goals for the program's first two years; and
4. describe its public education program.

A "performance goal" is a metric, proposed by the entity submitting the plan, to annually measure program performance in achieving continuous and meaningful improvement in the state's recycling rate for gas cylinders and any other specified goal. It must take into account technical and economic feasibilities.

PLAN APPROVAL AND IMPLEMENTATION

Process

The act requires the DEEP commissioner to determine whether to approve a plan for establishing a gas cylinder stewardship program under the following timeline: within 90 days after its submission but after posting the plan on DEEP's website and soliciting public comments. It specifies that the comment solicitation is not conducted under the Uniform Administrative Procedure Act.

The commissioner must approve a plan if it meets the act's program and plan requirements. If she rejects the plan, the commissioner must provide a notice of determination describing the reasons for disapproval to the producer or its designee that submitted the plan. The plan submitter must revise and resubmit the plan to DEEP 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 provide a notice of determination to the plan's submitter. The act limits revised plan resubmissions to no more than two occasions. It requires the commissioner to modify and approve a submitted plan to make it conform with the program and plan requirements if the submitter fails to provide an acceptable plan.

Producer Participation

Under the act, the DEEP commissioner must publish a list of producers that comply with the act's requirements on the department's website. The commissioner must issue non-compliance notices to those who fail to participate in an approved program.

CHANGES TO A PLAN

The act requires producers or their designees with an approved stewardship plan to submit a proposed substantial program change (i.e., a material change to the cylinder collection system) to the DEEP commissioner for approval. A proposed substantial change is deemed approved unless the commissioner disapproves it within 90 days after receiving notice of the change.

The act also requires that the commissioner be notified on an ongoing basis about other material program changes, but

without resubmitting the plan for approval. These changes include such things as (1) a change in the producer's or its designee's contact information and (2) if the designee is a stewardship organization, the identity of its board of directors and officers.

Within 30 months after an approved program's implementation, the plan submitter must submit to the commissioner updated performance goals, which must be based on the program's experience during its first two years.

ADMINISTRATIVE FEE

The act allows the DEEP commissioner to assess a reasonable program administration fee to each producer or its designee with an approved gas cylinder stewardship plan. The commissioner must determine how much each producer or designee must pay based on the gas cylinder market share that it represents, but the total annual fees for each producer with an approved plan cannot exceed $2,000. The act also requires the commissioner to annually publish documentation of DEEP's use of the fees.

REPORTING REQUIREMENTS

Producers

Annually by October 15, the act requires a producer or its designee with an approved stewardship plan to submit a report to the DEEP commissioner with the following information for the prior calendar year:

1. producers participating in the plan;
2. number of eligible entities, by type, from which cylinders were picked up;
3. number and tonnage of nonrefillable gas cylinders and number of refillable gas cylinders picked up from each eligible entity type; and
4. tonnage of nonrefillable gas cylinders recycled and number of refillable gas cylinders refilled and recycled.

The report must also include (1) a summary of the public education program that supports the gas cylinder stewardship program, (2) an evaluation of the effectiveness of methods and processes used to achieve program performance goals, and (3) recommendations for any program changes. It must be submitted in a format the commissioner prescribes and the commissioner must have it posted on DEEP's website.

DEEP

Program Evaluation. Within three years after a plan's approval, the DEEP commissioner must submit a report to the Environment Committee that evaluates the applicable gas cylinder stewardship program, including DEEP's administrative fees for it. The report must also establish goals for (1) the amount of discarded cylinders to be picked up and (2) recycling cylinders, considering technical and economic feasibility.

Non-compliant Producers. By January first each year after a program begins, the DEEP commissioner must submit a report to the Environment Committee with (1) steps the commissioner took to address non-compliance with the act's provisions and (2) a list of producers that received a non-compliance notice and are not in compliance as of the report date.

AUDIT REQUIREMENTS

Program Audit

Starting two years after a program's implementation, and then every three years, a producer or its designee with an approved stewardship plan must pay for a program audit by a DEEP commissioner-selected auditor. The act also allows the commissioner to request this audit not more than once per year.

The act specifies that the audit must include the previous year's number of entities, by type, and the number and tonnage of gas cylinders picked up and recycled or refilled under the program. The audit must also review the accuracy of the submitted program information (e.g., annual report) and provide any other information the commissioner requests that is consistent with the act's requirements, but not any proprietary information or trade or business secrets.

The act requires a producer or its designee with an approved stewardship plan to maintain all program records for at least five years.

Audited Financial Statements

Existing law requires any product stewardship organization operating in the state to submit to DEEP, annually by May 1, certified audited financial statements and the name of any contractor or organization that has a contract with it valued at $2,000 or more (CGS § 22a-905g). This requirement applies to a gas cylinder stewardship organization established to fulfill the act's requirements.

CIVIL ACTIONS AND PENALTIES

The act authorizes the DEEP commissioner to enforce the program's requirements under her existing authority. It also allows the commissioner to ask the attorney general to bring an action for injunctive relief in New Britain Superior Court if the commissioner believes that a person engaged in, or is about to engage in, an act, practice, or omission that violates the act's requirements. The act permits the court to issue a permanent or temporary injunction, restraining order, or other appropriate order, including taking remedial measures and directing compliance. It gives these actions by the attorney general precedence over other actions in the order of trial, similar to other actions brought on the state's behalf.

LIABILITY PROTECTION

Under the act, to the extent a producer or its designee (including a stewardship organization) exercises authority according to the act's provisions, it is immune from liability for an antitrust or unfair trade practice claim based on an antitrust law violation.

INTERSTATE COLLABORATION

The act allows a producer or its designee with an approved stewardship plan to collaborate with another state that has a gas cylinder recycling program to conserve efforts and resources; however, the collaboration must be consistent with the act's requirements.

PA 22-51—sHB 5141
Environment Committee
Judiciary Committee

AN ACT CONCERNING THE PROTECTION OF CERTAIN FISH SPECIES

SUMMARY: This act prohibits a person from taking or landing, per day, 200 pounds or more of the following bait species: tidewater silverside, Atlantic silverside, sand lance or sand eels, and bay anchovy. Under the act, each violation is a separate infraction.

The act also requires the energy and environmental protection commissioner to make available to the public, free of charge, a printed fishing guide for the 2023 season.

EFFECTIVE DATE: October 1, 2022, except the fishing guide provision is effective upon passage.

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between $35 and $90, plus a $20 or $35 surcharge and an additional fee based on the amount of the fine. (There may be other added charges based on the type of infraction. For example, certain motor vehicle infractions trigger a surcharge of 50% of the fine.) An infraction is not a crime and violators can pay the fine by mail without making a court appearance.

PA 22-52—sHB 5145
Environment Committee

AN ACT CONCERNING THE USE OF PORTABLE WASTEWATER CONTAINERS

SUMMARY: This act allows people to use portable wastewater holding tanks (e.g., "blue boy" tanks) to transport wastewater from an internal camping unit holding tank to a state or private campground's sanitary disposal station regardless of the public health statutes and associated regulations.

Public health regulations allow for campground-provided mobile pump out services for disposal at sanitary disposal stations, but are silent about portable wastewater holding tanks (Conn. Agencies Regs. § 19a-2a-29(g)). In practice, the Department of Public Health (DPH) did not recognize portable wastewater holding tanks as an acceptable method of wastewater transport and disposal at family campgrounds (DPH Environmental Health Section Circular Letter #2018-25).
EFFECTIVE DATE: Upon passage

PA 22-54—sHB 5295
Environment Committee

AN ACT CONCERNING AGRICULTURE DEVELOPMENT AND INNOVATION

SUMMARY: This act makes a variety of changes in agriculture-related statutes.

The act reconstitutes the Governor's Council for Agricultural Development. It renames it the Governor's Council for Agricultural Development and Innovation, places it within the Department of Agriculture (DoAg) for administrative purposes only, changes its membership, and revises its purposes.

Additionally, the act does the following:

1. prohibits anyone from selling or transporting for sale, any agricultural, vegetable, lawn, or turf seed unless it is labeled in accordance with state law by a seed labeler, who must register annually with DoAg;
2. allows people to import reindeer into the state anytime of the year, for up to seven days at a time, instead of only between Thanksgiving and New Year's Day;
3. requires town clerks to provide a person with a disability a license and tag, at no cost, for his or her dog that is a trained service animal, training to become a service animal, or a therapy animal enrolled in the Department of Children and Families (DCF) Animal Assistance Intervention Program;
4. requires the DoAg commissioner to convene a working group with the Connecticut Town Clerks Association to develop a plan for a statewide online dog licensing portal; and
5. repeals the Interagency Aquaculture Coordinating Committee and the Aquaculture Advisory Council.

Lastly, the act makes other minor and technical changes, including adding longlines to the state's definition of aquaculture.
EFFECTIVE DATE: October 1, 2022, except the provisions (1) on seeds are effective July 1, 2022; (2) related to service animals are effective June 1, 2023; and (3) creating a dog licensing working group and repealing the aquaculture committee and council are effective upon passage.

§ 1 — AQUACULTURE INCLUDES LONGLINES

The act expands the definition of aquaculture to include longlines (long, heavy fishing lines, often with hooks). This allows aquaculture operations to use longlines when rearing, cultivating, or harvesting aquatic plants or animals. By law, (1) they may already use other equipment (e.g., tanks, containers, nets) and (2) "agriculture" includes "aquaculture" for purposes of various DoAg statutes.

§ 2 — COUNCIL FOR AGRICULTURAL DEVELOPMENT AND INNOVATION

The act renames the Governor's Council for Agricultural Development as the Governor's Council for Agricultural Development and Innovation, places it within DoAg for administrative purposes only, and revises its purposes.

Under prior law, the council made recommendations to DoAg on ways to increase the amount spent on CT-Grown products. The act instead requires that the council's recommendations be about ways to increase agriculture in the state by developing innovative market opportunities (e.g., urban agriculture, controlled environment agriculture, adopting new technologies, and diversifying products).

As under existing law, the council must meet at least quarterly. The act also requires it to meet as often as the chairperson (i.e., the DoAg commissioner) deems necessary or whenever a membership quorum requests a meeting. (A majority of members constitutes a quorum.)

Membership

The act changes the council's membership by (1) adding the Connecticut Agricultural Experiment Station (CAES) director or his designee as the 16th member and (2) replacing the Milk Promotion Board chairperson with the Farm Bureau's executive director or designee. It names the CAES director and UConn's College of Agriculture and Natural Resources dean (or their designees) co-vice-chairpersons.

Additionally, the act modifies the specified qualifications for some of the gubernatorial and legislative appointees, as shown in the below table. It also (1) requires that the applicable appointing authorities, rather than only the governor, fill vacancies and (2) sets a three-year term for appointed members.

Appointee Qualifications Under Prior Law and the Act

Appointing Authority	*Qualifications Under Prior Law*	*Qualifications Under the Act*
Governor (6)	All must be actively engaged in agriculture production	All must be actively engaged in agriculture or aquaculture production, with at least one being socially disadvantaged (as defined by USDA) and at least one engaged in aquaculture production
House speaker (1)	Engaged in agricultural processing	Engaged in urban agricultural production
Senate president pro tempore (1)	Engaged in agricultural marketing	Engaged in agricultural marketing
House majority leader (1)	Engaged in agricultural sales	A new and beginning farmer (as defined by USDA)
Senate majority leader (1)	From a trade association	From a trade association
House minority leader (1)	From the green industry	From the green industry
Senate minority leader (1)	Actively engaged in agricultural education	Actively engaged in agricultural education

§ 3 — SEEDS AND SEED LABELERS

The act prohibits anyone from selling, or offering, exposing, or transporting for sale, any agricultural, vegetable, lawn, or turf seed unless it is labeled in accordance with state law by a registered seed labeler. (Existing law already prohibits the sale of unlabeled seeds, and exempts some seeds from the labeling requirements, in certain circumstances (CGS §§ 22-61d(a) & -61f).)

The act requires seed labelers to register annually with the DoAg commissioner. It sets the registration fee at $100 and specifies that registrations expire each March 31.

A violation of the above provisions is subject to a fine of $100 for the first offense and $200 for each subsequent offense (CGS § 22-61j). Among other enforcement provisions, existing law also allows seed control officers to issue "stop sale" orders for seeds that do not comply with the law's labeling and other requirements (CGS §§ 22-61g to -61i).

§ 4 — REINDEER IMPORTATION

Existing law allows people to import reindeer into the state between Thanksgiving and New Year's Day. The act additionally allows people to do so for up to seven days at a time anytime of the year. The importation must comply with state law requirements (e.g., reindeer identification, veterinary reports, health documentation for the originating herd).

§ 5 — LICENSES FOR SERVICE AND THERAPY ANIMALS

Prior law required town clerks to provide a license and tag, at no cost, for any dog that (1) belongs to or is kept by a person who is blind, deaf, or mobility-impaired and (2) has been trained and educated to guide and assist the person with traveling on public streets. The act instead requires town clerks to provide a person with a disability (i.e., an intellectual, physical, mental, or learning disability) a license and tag, at no cost, for his or her dog that is (1) a trained service animal, (2) in training to become a service animal, or (3) a therapy animal enrolled in DCF's Animal Assistance Intervention

Program.

Under DCF's program, a "therapy animal" is trained to provide comfort to individuals who (1) experienced mental, physical, or emotional trauma; (2) witnessed, or were a victim of, an act of violence; or (3) have behavioral health care needs (CGS § 17a-22ee). The act defines "service animal" as in federal law (i.e., a dog that is individually trained to do work or perform tasks to benefit a person with a disability) and includes a service animal in training.

Prior law prohibited town clerks from licensing dogs in this manner, if they were not licensed before, without written evidence that the dog is trained, educated, and intended to perform guide service for the applicant. The act instead allows a town clerk, in cases where the dog was not licensed before and it is not obvious that the dog is a service animal, to ask the applicant if the dog is a service animal needed due to a disability and what tasks it is trained to perform.

§ 6 — DOG LICENSING WORKGROUP

The act requires the DoAg commissioner to convene a working group with the Connecticut Town Clerks Association ("association") to develop a plan for a statewide online dog licensing portal. The commissioner and association president, or their designees, must serve as the co-chairpersons and convene the first meeting by June 22, 2022 (i.e., within 30 days after the act's passage).

The working group must include DoAg representatives, association members, a Connecticut Conference of Municipalities representative, a Council of Small Towns representative, and other people or organizations the co-chairpersons deem necessary.

Under the act, the plan must provide for (1) pre-use testing of the portal by each category of intended users and (2) a statewide implementation date. The co-chairpersons must submit the plan and related legislative proposals to the Environment Committee by January 1, 2023.

§ 7 — PROVISIONS REPEALED

The act repeals both the Interagency Aquaculture Coordinating Committee (CGS § 22-11e) and the Aquaculture Advisory Council (CGS § 26-192m).

Under prior law, the interagency committee was (1) comprised of DoAg, the Department of Energy and Environmental Protection, and the Department of Economic and Community Development and (2) required to develop and enhance aquaculture in the state. The advisory council was required to, among other things, (1) develop a plan to expand the shellfish industry in the state, (2) review the state's shellfish leasing process and make recommendations about it, and (3) provide recommendations on DoAg's Bureau of Aquaculture policies. In practice, the committee has been inactive for several years and the council never convened.

PA 22-83—sSB 116
Environment Committee

AN ACT CONCERNING NOTIFICATION OF PESTICIDE APPLICATIONS NEAR LAKES AND PONDS

SUMMARY: This act eliminates the requirement that pesticide application businesses publish, in a general circulation newspaper, notice of an upcoming pesticide application on a private lake or pond with more than one shoreline property owner and instead requires direct notice of the application and its scheduled date. Under existing law, unchanged by the act, if there is a state or municipally owned public access point, newspaper and signpost notice must still be given.

Under the act, the pesticide application business must notify the shoreline owners and their tenants by telephone, mail, or personal notice or by leaving a conspicuous notice on an entry door of the home on the waterfront property. When determining if a property is waterfront, the act prohibits considering any setback (i.e., distance from the shore in which certain activity is restricted or prohibited) and requires that notice also go to the setback's owner. Anyone who gives notice of an aircraft pesticide application according to state regulations is exempt from this provision.

The pesticide application business must try at least twice to notify an owner or tenant, as soon as practicable but at least 24 hours before the application, and the second attempt must be at least 24 hours after the first. If these fail, an emergency application is necessary, or integrated pest management best practices recommend an immediate application so that less pesticide is necessary, the act requires the business to notify each owner or tenant in person right before the application.

The act also requires the Department of Energy and Environmental Protection to give a public official all information it knows about a scheduled or made pesticide application (whether to land or water) when the official asks about it.
EFFECTIVE DATE: October 1, 2022

PA 22-142—sSB 120
Environment Committee
Appropriations Committee

AN ACT CONCERNING THE USE OF CHLORPYRIFOS ON GOLF COURSES

SUMMARY: This act prohibits using or applying chlorpyrifos (1) on golf courses or (2) for cosmetic or nonagricultural uses. The act allows the DEEP commissioner to assess a civil penalty of up to $2,500 on those who violate the ban.

Chlorpyrifos is a "restricted use" organophosphate pesticide used mainly to control foliage and soil-borne insect pests. By law, because chlorpyrifos is a restricted use pesticide, it may only be applied by someone (1) certified under state law to do so or (2) directly supervised by a certified individual. Restricted use pesticides are classified by the federal Environmental Protection Agency (EPA) or DEEP to have the potential to cause unreasonable adverse health or environmental effects. An EPA rule for pesticide tolerances (the maximum amount of pesticide that may remain in or on a food) generally provides no allowance for chlorpyrifos for land and greenhouse food crops and certain commercial livestock uses.

EFFECTIVE DATE: January 1, 2023

PA 22-143—sSB 238
Environment Committee
Judiciary Committee

AN ACT CONCERNING REVISIONS TO CERTAIN ENVIRONMENT RELATED STATUTES

TABLE OF CONTENTS:

Authorizes the DEEP commissioner to grant a 60-day extension to renew a commercial forest practitioner certification and certify additional forest practitioners without examination; changes continuing education and associated reporting requirements for forest practitioners

§ 10 — PESTICIDE APPLICATOR CERTIFICATION RENEWAL

Requires the DEEP commissioner to notify certified pesticide applicators at least 60 days before their certifications lapse and provides a one-year window to renew a certification without reexamination

§ 11 — PESTICIDE REGISTRATION

Allows pesticides to be registered annually instead of every five years

§§ 12-16 — RADIATION REGULATION

As part of Connecticut's shift to "agreement state status" with the U.S. Nuclear Regulatory Commission, (1) allows the DEEP commissioner to enter into agreements with NRC and certain other governmental agencies for inspections or other radiation control functions, (2) specifies that existing licenses that will become subject to state oversight will have a like-license until their expiration, and (3) makes associated technical and conforming changes

§ 17 — STATE PARK HAZARDOUS TREE MAINTENANCE

Requires the DEEP commissioner to complete and publish a hazardous tree mitigation policy that applies to state parks and campgrounds and report on tree replanting strategies for removed hazardous trees; requires DEEP to implement a tree replanting demonstration project at Housatonic Meadows State Park

§ 18 — PA 490 PROGRAM: MARITIME HERITAGE LAND

Limits when waterfront property owned by shellstock shippers is eligible for the PA 490 program

§ 19 — NIPS SURCHARGE REMITTANCE

Extends the deadline by which alcohol wholesalers must remit the five-cent nip surcharge to municipalities

SUMMARY: This act makes various changes in environment-related statutes, such as those on wastewater treatment plant operator certification, noise control ordinances, air emission regulation, forest fire resources, forestry practitioner certification, pesticide applicator licensure and product registration, radiation and radioactive material, and state park tree maintenance.
EFFECTIVE DATE: Upon passage, except as noted below.

§ 1 — WASTEWATER TREATMENT PLANT OPERATOR CERTIFICATION

Limits the exam requirement for class III and IV wastewater treatment plant operator certification applicants to a national standardized exam; expands the DEEP commissioner's authority to adopt regulations on operator certification and continuing education; requires the commissioner or her designated agent to approve continuing education in consultation with the operator certification advisory board

The act limits the exam requirement for class III and class IV wastewater treatment plant operator certification applicants to the standardized national exam prepared by the Association of Boards of Certification for Wastewater Treatment Facility Operators. Under prior law, the exam included additional questions from the DEEP commissioner. The act also allows the commissioner to designate an agent to administer and proctor the exam.

The act authorizes the commissioner to adopt regulations on wastewater treatment plant operators' certification, application, renewal, and continuing education requirements. Prior law allowed her to adopt regulations on a regular state-certified training course for operators. The act also requires the commissioner or her designated agent, in consultation with the state's operator certification advisory board, to approve continuing education and associated courses. The board advises and helps to administer the certification program (Conn. Agencies Regs. § 22a-416-10).

§ 2 — AQUACULTURE STRUCTURES

Exempts certain aquaculture structures in tidal, coastal, or navigable waters from a DEEP permitting requirement

By law, a DEEP certificate or permit is generally needed to conduct certain work, including erecting and maintaining structures, in the state's tidal, coastal, or navigable waters, waterward of the coastal jurisdiction line.

The act exempts from this permitting requirement individual structures used for aquaculture in leased or designated shellfish areas that (1) have a federal Army Corps of Engineers permit and (2) do not interfere with navigation in designated or customary boating or shipping areas. It eliminates prior law's exemption for the structures in these areas that do not need an Army Corps permit.

Aquaculture includes the controlled rearing, cultivation, and harvest of aquatic plants and animals. Aquaculture structures include things like racks, cages, bags, and buoys.

§ 3 — NOISE REGULATION

Eliminates the DEEP commissioner's role in approving municipal noise ordinances

By law, municipalities may adopt and enforce a noise control ordinance that includes certain elements set in statute, including noise levels and implementation procedures. Prior law required (1) the commissioner's approval before a noise control ordinance could take effect and (2) the ordinance to conform to applicable federal and state noise standards or regulations (e.g., Conn. Agencies Regs. § 22a-69-1 et seq.). The act (1) eliminates the commissioner's approval requirement and (2) specifically requires the ordinances to be at least as stringent as applicable federal and state noise standards or regulations.

§ 4 — STATIONARY AIR POLLUTION SOURCE REGULATION

Authorizes the DEEP commissioner to require air pollution sources that are permitted under federal law to comply with applicable federal incineration standards that have been incorporated into state regulations

The act authorizes the DEEP commissioner to require air pollution sources that are permitted under federal law (i.e., Title V of the Clean Air Act Amendments of 1990) to comply with applicable federal incineration standards (40 C.F.R. Part 62), which have already been incorporated into state air regulations (Conn. Agencies Regs. § 22a-174-1 et seq.).

§§ 5 & 6 — INTERSTATE FOREST FIRE RESOURCES

Clarifies that the state's forest fire warden may supplement forest fire control personnel with temporary emergency workers to help fight fires in other states and allows Connecticut to exchange forest fire protection and control resources with states beyond New England and New York

The act makes a minor change to clarify that the state's forest fire warden may supplement state forest fire control personnel with specially trained temporary emergency workers to help fight a forest fire in a state with which Connecticut has agreed to provide reciprocal aid, rather than only for in-state fires (§ 5).

The act also expands the applicability of the Northeastern Interstate Forest Fire Protection Compact's interstate aid provisions by allowing aid to or from any state that belongs to a regional forest fire protection compact if that state's legislature agrees to the provisions (§ 6). In doing so, it allows Connecticut to exchange forest fire protection and control resources with up to 43 other states, instead of only member states. (Members of the northeastern compact include the New England states and New York.)

By law, the compact's interstate aid provisions seek to help control, fight, or prevent forest fires and address issues such as the powers and rights of responding forces, liability, and repayment for services.

§ 7 — FOREST PRACTICES ADVISORY BOARD

Designates qualifications for appointed members of the Forest Practices Advisory Board

By law, the Forest Practices Advisory Board consists of the state forester or his designee, who also serves as the board's chair, and nine members appointed by the governor and legislative leaders.

The act designates qualifications to the board's appointed members, as shown in the table below. Prior law provided qualifications, generally, for six appointments; it did not specify the qualifications for each appointment.

Forest Practices Advisory Board Member Qualifications

Appointing Authority	*Designated Qualifications*
Governor	• Officer of an environmental organization headquartered in Connecticut that is concerned mainly with forests* • Representative of an environmental organization not mainly concerned with forests* • Inland wetlands agency member*
House speaker	• Owner of at least 10, but no more than 250, forest land acres*
Senate president pro tempore	• Professional forester in private practice*
House majority leader	• Forest products industry representative*
Senate majority leader	• Professor of forestry or natural resources from a college or university in Connecticut*
House minority leader	• Member of the public
Senate minority leader	• Member of the public

*Denotes a qualification generally listed in prior law

Under the act, the current board member's terms expire on October 1, 2022, and the new members serve four-year terms. Members served four-year, staggered terms under prior law.

By law, the advisory council's responsibilities are (1) reviewing and recommending changes to regulations on forest practices or certifying forest practitioners; (2) reviewing and recommending changes to DEEP's programs and policies about forests, forest health, and forest practices; and (3) advising the DEEP commissioner about certifying technically proficient forest practitioners and revoking or suspending certifications.

EFFECTIVE DATE: October 1, 2022

§§ 8 & 9 — FOREST PRACTITIONER CERTIFICATION AND CONTINUING EDUCATION

Authorizes the DEEP commissioner to grant a 60-day extension to renew a commercial forest practitioner certification and certify additional forest practitioners without examination; changes continuing education and associated reporting requirements for forest practitioners

60-Day Extension for Renewals

The act allows the DEEP commissioner to grant a certified forest practitioner a 60-day extension to submit a renewal application if he or she did not do so before the certification expired. A practitioner granted an extension must (1) submit a complete application within the 60-day period and (2) pay a fee the commissioner sets in addition to the $235 renewal fee (Conn. Agencies Regs. § 23-65h-1(r)). The acts specifies that the practitioner does not need to retake the certification examination.

By law, there are three classifications of certified forest practitioners: forester, supervising forest products harvester, and forest products harvester. Certifications must be renewed every four years.

Alternative Certification

The act allows the DEEP commissioner to certify a forest practitioner without examination if he or she is certified through an examination given by the Society of American Foresters or a similar organization. The commissioner may do this only if the (1) organization's certification qualifications are substantially similar to Connecticut's and (2) practitioner can show knowledge of Connecticut's forestry laws to the commissioner's satisfaction.

Prior law allowed the commissioner to certify forest practitioners without examination if (1) they were certified in another state with substantially similar certification qualifications and (2) that state grants similar privileges to Connecticut residents. The act eliminates the reciprocity requirement.

Continuing Education

By law, certified forest practitioners must participate in continuing education programs to improve or maintain their professional forestry skills. Existing regulations require these practitioners to obtain continuing education credits, ranging from six to 12 credits depending on the certification involved, to renew their credential every four years (Conn. Agencies Regs. § 23-65h-1(k) & (q)).

The act eliminates a requirement that practitioners participate in continuing education programs on a biennial basis, thus allowing them to fulfill their education requirements at any time during the four-year term. It requires practitioners to meet these requirements according to a schedule set out in regulations.

The act also requires the practitioners to attest to, rather than provide evidence of, their participation in continuing education programs as part of their annual forest practice activity reports to DEEP. But, if the DEEP commissioner requests it, practitioners must provide proof of program participation.

EFFECTIVE DATE: October 1, 2022

§ 10 — PESTICIDE APPLICATOR CERTIFICATION RENEWAL

Requires the DEEP commissioner to notify certified pesticide applicators at least 60 days before their certifications lapse and provides a one-year window to renew a certification without reexamination

Notice and Certification Lapse

The act requires the DEEP commissioner to give a certified pesticide applicator at least 60 days' notice before his or her certification expires and a renewal application.

Under the act, a certification lapses if the commissioner does not receive a signed renewal application with the applicable renewal fee by midnight on the expiration date or midnight on the next business day if the expiration date is on a weekend or legal holiday. But failing to receive the notice and application from DEEP does not prevent a certification's lapse.

Renewal Without Reexamination

The act allows the DEEP commissioner to renew a pesticide applicator's certification that has lapsed for less than one year if the applicator (1) submits a signed renewal application and (2) pays both the renewal fee and any late fee. By law, renewal fees range from $80 to $285, depending on the certification level. Under the act, the late fee is equal to 10% of the renewal fee plus 1.25% per month or part of a month, dating from when the certification lapsed.

Under the act, anyone whose certification lapses for one year or more must retake the examination. By law, pesticide applicator certifications are valid for five years.

§ 11 — PESTICIDE REGISTRATION

Allows pesticides to be registered annually instead of every five years

The act authorizes the DEEP commissioner to register pesticides either on an annual basis or, as required under prior law, for five-year periods, and correspondingly prorates the registration fee to account for an annual registration.

§§ 12-16 — RADIATION REGULATION

As part of Connecticut's shift to "agreement state status" with the U.S. Nuclear Regulatory Commission, (1) allows the DEEP commissioner to enter into agreements with NRC and certain other governmental agencies for inspections or other radiation control functions, (2) specifies that existing licenses that will become subject to state oversight will have a like-license until their expiration, and (3) makes associated technical and conforming changes

PA 21-2, June Special Session, §§ 40-50, requires the DEEP commissioner to adopt regulations on radioactive materials sources so that it may secure "agreement state status" with the Nuclear Regulatory Commission (NRC). This status authorizes states to assume NRC responsibility for regulating and licensing byproduct material (radioisotopes), source materials (uranium and thorium), and certain amounts of special nuclear materials. (NRC remains responsible for regulating nuclear power plants; uses of nuclear material, such as in nuclear medicine; and nuclear waste.)

The act makes several minor and technical changes to carry out the state's shift to agreement state status and obtain additional oversight of radiation and radioactive materials. Among these changes, it does the following:

1. specifies that NRC keeps regulatory oversight over certain materials and activities that federal law and regulations reserves to it (e.g., operating uranium enrichment facilities; importing or exporting byproduct, sources, or special nuclear materials; disposing of certain products in the ocean; and storing spent fuel and radioactive waste) (§ 13);
2. requires the licenses (either with NRC or with another agreement state) in existence before the effective date of Connecticut's agreement with NRC to be like-licenses with Connecticut until (a) the license's expiration date or (b) 90 days after DEEP notifies the licensee that the license will be expired (§ 14); and
3. allows the DEEP commissioner to enter into any agreement with NRC or any other federal governmental agency, state, or interstate agency for the state to perform inspections or other radiation sources control functions (§ 15).

The act extends to the state's radiation and radioactive materials law (or a regulation, order, or permit adopted under it), existing law's penalties for failing to (1) file a required registration (other than a general permit), plan, report, record, permit application, or other document; (2) obtain a certification; or (3) display a registration, permit, or order. The penalty is a fine of up to $1,000 for a violation plus up to $100 for each day that the violation continues.

The act similarly applies to this law (and associated regulations, orders, or permits) existing penalties for (1) depositing, placing, removing, disposing, discharging, or emitting any material, substance, or electromagnetic radiation or (2) causing, engaging in, or maintaining a condition or activity that violates certain specified statutes. The penalty for these violations is up to a $25,000 fine for each day a violation continues.

Existing law, unchanged by the act, imposes criminal penalties (fines, imprisonment, or both) for criminally negligent violations of the radiation and radioactive materials law and knowingly making false statements in associated documents (CGS § 22a-158c).

EFFECTIVE DATE: Upon passage, except certain technical changes (§ 12) are effective October 1, 2022.

§ 17 — STATE PARK HAZARDOUS TREE MAINTENANCE

Requires the DEEP commissioner to complete and publish a hazardous tree mitigation policy that applies to state parks and campgrounds and report on tree replanting strategies for removed hazardous trees; requires DEEP to implement a tree replanting demonstration project at Housatonic Meadows State Park

The act requires the following three actions concerning tree maintenance at state parks and campgrounds:

1. the DEEP commissioner must, by August 1, 2022, develop, finalize, and publish on DEEP's website a hazardous tree mitigation policy on designating, removing, and mitigating hazardous trees;
2. in consultation with state park or forest advocacy groups or organizations, DEEP must implement a tree planting demonstration project at Housatonic Meadows State Park; and
3. the DEEP commissioner must, by December 1, 2022, submit a report to the Environment Committee on replanting strategies for removed hazardous trees and any related funding needs.

Under the act, the hazardous tree mitigation policy must include (1) criteria for DEEP to designate a tree as hazardous and (2) procedures to follow when making the designation and for the tree's removal or mitigation. The procedures must include the following elements:

1. consultation with a licensed arborist before designating and removing or mitigating the tree;
2. notifying the public about DEEP's hazardous tree removal activities, including signs and publishing notice on the department's website; and
3. considering replanting and other relevant improvements to offset a removed hazardous tree's aesthetic or ecological value.

The act requires the policy to also have provisions on the following:

1. maintenance of public safety;
2. ecological and natural resource protection;
3. transparency and public engagement practices for the tree designation, removal, and mitigation process;
4. state park maintenance and repair, trail maintenance, and effective stewardship of DEEP's resources;
5. public access to outdoor recreation;
6. decorative pruning and removing invasive species;
7. efforts for fire suppression or protection; and
8. post-storm impact mitigation or clean-up.

§ 18 — PA 490 PROGRAM: MARITIME HERITAGE LAND

Limits when waterfront property owned by shellstock shippers is eligible for the PA 490 program

PA 21-24 extended the state's PA 490 program to licensed shellstock (i.e., in-shell molluscan shellfish) shippers by including waterfront property they own in the definition of "maritime heritage land." (The PA 490 program allows farm, forest, open space, and maritime heritage land to be assessed for property tax purposes based on current use value rather than fair market value (CGS § 12-63).)

The act limits when waterfront property owned by shellstock shippers is eligible for the tax break by requiring that the shippers also either grow or harvest shellstock.

§ 19 — NIPS SURCHARGE REMITTANCE

Extends the deadline by which alcohol wholesalers must remit the five-cent nip surcharge to municipalities

The act extends the deadline by which alcohol wholesalers must remit to municipalities the five-cent surcharge assessed on beverage containers containing spirits or liquor of 50 milliliters or less ("nips"). By law, these payments must be made twice yearly, in April and October. Under prior law, wholesalers had to remit the funds at the beginning of those months. The act deems the payments timely if they are made on any day during those months.

PA 22-144—sSB 241
Environment Committee

AN ACT CONCERNING BOATING SAFETY

SUMMARY: This act requires the DEEP commissioner to establish a schedule of retention fees that lake authorities may keep for issuing fines to people who violate state boating laws. By law, any two or more towns that have a body of state water within their territorial limits may establish a lake authority by ordinance. The lake authority must cooperate with the DEEP commissioner to enforce boating laws on the water (CGS § 7-151a).

Additionally, the act does the following:

1. allows law enforcement or fire rescue vessels to use either an audible signal device or flashing lights, rather than both, to indicate that nearby vessels (e.g., boats) must slow and, if able, alter course;
2. requires someone operating a vessel to slow to a slow-no-wake speed (i.e., produce a minimum wake and generally go no more than six miles an hour) if they are within 200 feet of a commercial vessel that is responding to or towing a vessel in distress and using flashing red or yellow lights; and
3. allows the DEEP commissioner to disapprove local boating ordinances that duplicate state law or regulation.

By law, towns may adopt local boating ordinances, but they must submit them to DEEP and if the commissioner does not disapprove them within 60 days after submission the ordinances may take effect. The law already allows the commissioner to disapprove local boating ordinances for other reasons (e.g., being unreasonable or unnecessarily restrictive).

EFFECTIVE DATE: October 1, 2022, except the lake authority retention fee provision is effective July 1, 2022.

PA 22-85—HB 5406
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE COMPENSATION OF LEGISLATORS AND CONSTITUTIONAL OFFICERS

SUMMARY: This act increases annual salaries for legislators; the governor and lieutenant governor; and constitutional officers (i.e., the secretary of the state, state treasurer, state comptroller, and attorney general). It also establishes mechanisms for adjusting these salaries in the future.

Beginning with the next legislative term (i.e., January 4, 2023), the act (1) increases the base legislator salary and the salaries for specified leadership positions and (2) requires that these amounts be adjusted for inflation in each subsequent term.

The act makes the salaries for the governor, lieutenant governor, and constitutional officers equal to specified salaries in the judicial branch (i.e., the Supreme Court chief justice for the governor and Superior Court judge for the others) beginning with the next term for these offices (i.e., January 4, 2023). For subsequent terms, the act generally links the elected office's salary with the corresponding judicial salary.

The act also repeals the Compensation Commission, which under prior law had to make recommendations to the legislature in odd-numbered years for compensation for the governor, lieutenant governor, constitutional officers, and legislators.

EFFECTIVE DATE: January 1, 2023, except that the provisions on the process for legislator compensation adjustments and repealing the Compensation Commission are effective July 1, 2022.

§§ 1 & 2 — LEGISLATORS

Salary for 2023-2024 Term (§ 1)

Beginning January 4, 2023, the act increases the annual base salary for legislators from $28,000 to $40,000. It also increases salaries for specified leadership positions, as shown in the table below.

Annual Salaries for Leadership Positions, 2023-2024 Term

Position	*Salary Under Prior Law*	*Salary Under the Act*
House speaker and Senate president pro tempore	$38,689	$52,000
House and Senate majority and minority leaders	36,835	50,000
House and Senate deputy majority and minority leaders and deputy House speaker	34,446	49,000
House and Senate assistant majority and minority leaders and majority and minority whips, and standing committee chairs (other than the Legislative Management Committee)	32,241	46,500
Standing committee ranking members (other than the Legislative Management Committee)	30,403	44,500

Adjustments for Subsequent Terms (§ 2)

The act requires the Office of Legislative Management's executive director to biennially adjust the base legislator and leadership salary amounts for inflation. Specifically, by January 1, 2025, and every two years after that, he must, in consultation with the labor commissioner, determine the adjustments using the percentage change in the employment cost index (ECI) (or its successor index) for wages and salaries for all civilian workers, as calculated by the U.S. Department of Labor, over the 24-month period ending on the previous June 30, rounded to the nearest cent.

The act requires the executive director to adjust the salary amounts listed above by January 8, 2025 (i.e., the start of the 2025-2026 term) to reflect the ECI calculation made by January 1, 2025. After that, any subsequent legislator salary adjustment he makes (1) must be based on the immediately preceding adjustment and (2) applies on the Wednesday following the first Monday in January after calculating the ECI change (i.e., the start of the new legislative term).

The act specifies that these provisions do not apply to legislators' health, pension, or other benefits.

§§ 3-7 — GOVERNOR, LIEUTENANT GOVERNOR, AND CONSTITUTIONAL OFFICERS

Prior law set a fixed annual salary for the governor, lieutenant governor, and constitutional officers. Beginning January 4, 2023 (i.e., the start of the new term for each of these offices), the act instead generally makes the (1) governor's salary equal to the salary for the Supreme Court chief justice and (2) lieutenant governor's and constitutional officers' salaries equal to those for Superior Court judges, as shown in the table below. The judicial salaries are set by statute (CGS § 51-47(a), as amended by PA 22-118, § 131).

Under the act, any increase in a judicial salary does not apply to the corresponding elected office until the start of the next term for that office (i.e., the Wednesday following the first Monday of the January succeeding the next election for that office; see BACKGROUND).

Governor, Lieutenant Governor, and Constitutional Officer Salaries

Official	*Salary Under Prior Law*	*Salary Beginning January 4, 2023, Under the Act**	*Judicial Salary as of July 1, 2022*
Governor	$150,000	Same as Supreme Court chief justice	$226,711
Lieutenant Governor and Constitutional Officers	110,000	Same as Superior Court judge	189,483

*Any increase in the applicable judicial salary would not apply to the corresponding elected office until the start of the next term

§ 8 — COMPENSATION COMMISSION

The act repeals the Compensation Commission, which under prior law consisted of 11 members appointed to four-year terms, three by the governor and eight by legislative leaders (two each by the House speaker, Senate president pro tempore, and House and Senate minority leaders).

Prior law required the commission to recommend to the legislature proposals for salary, expenses, pension, workers' compensation, and any other benefits for the governor, lieutenant governor, constitutional officers, and legislators.

BACKGROUND

State Constitution and Elected Official Salaries

The state constitution prohibits the state from paying or granting any state elected official compensation greater than the amount set at the beginning of the official's term for the office. For this prohibition, "compensation" means the official's salary, excluding reimbursement for necessary expenses or any other benefit to which he or she would be entitled by holding the office (Conn. Const. Art. XI, § 2).

PA 22-110—sHB 5475
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO THE TAX AND RELATED STATUTES

SUMMARY: This act makes numerous minor and technical changes in state tax and other related statutes. Among its changes, the act:

1. corrects statutory references to personal property declarations required under CGS § 12-41 (§§ 2 & 4-9),
2. eliminates obsolete provisions (§§ 12-13 & 24),
3. reestablishes definitions of "federal basic exclusion amount" under the estate and gift tax laws and corrects a

reference to the taxable threshold for filing estate tax returns (§§ 15-17), and

4. makes a technical correction to the effective date of a provision in the FY 22-23 budget implementer act authorizing ambulatory surgical centers (ASCs) to file written refund claims (§ 44).

EFFECTIVE DATE: October 1, 2022, except the ASC filing effective date correction takes effect upon passage.

TECHNICAL CORRECTIONS TO THE ESTATE AND GIFT TAX LAWS

The act (1) reestablishes definitions of "federal basic exclusion amount" for purposes of the estate and gift tax laws and (2) corrects a reference to the taxable threshold for filing estate tax returns with the revenue services commissioner.

Under the act, the "federal basic exclusion amount" for the estate tax is the dollar amount published annually by the Internal Revenue Service (IRS) at which a decedent would be required to file a federal estate tax return based on the value of his or her gross estate and federal taxable gifts. For the gift tax, it is the IRS-published dollar amount over which a donor would owe federal gift tax based on the value of the donor's federally taxable gifts. The same definitions applied under prior law (before PAs 18-49 and -81).

BACKGROUND

Related Acts

PA 22-117, §§ 17-19, includes the same corrections to the estate and gift tax laws and ASC filing effective date provision. PA 22-118, §§ 436 & 515, eliminates the ASC tax beginning July 1, 2022.

PA 22-117—sHB 5473
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE DEPARTMENT OF REVENUE SERVICES' RECOMMENDATIONS FOR TAX ADMINISTRATION AND REVISIONS TO THE TAX AND RELATED STATUTES

TABLE OF CONTENTS:

§§ 15 & 16 — NONRESIDENT COMPOSITE INCOME TAX RETURNS

Codifies an existing DRS policy by allowing pass-through entities to elect to remit composite income tax on behalf of their nonresident members

§§ 17-19 — TECHNICAL CORRECTIONS TO THE ESTATE AND GIFT TAX LAWS

Makes technical corrections to the estate and gift tax laws

§ 20 — CONVEYANCE TAX CREDIT AGAINST THE INCOME TAX

Modifies the conveyance tax credit that applies against the personal income tax

§§ 21-30 — SALES AND USE TAX REASSESSMENTS

Authorizes the DRS commissioner to impose more than one sales and use tax deficiency assessment (i.e., reassessments) for a tax period

§ 31 — STATUTE OF LIMITATIONS ON COLLECTION ACTIONS

Generally prohibits the DRS commissioner from collecting a tax after 10 years (1) from the date the tax was reported on a return filed with DRS or (2) in the case of an assessment, from the date it became final

§ 32 — DRS STUDY ON SALE OF OUTSTANDING TAX LIABILITIES

Requires the DRS commissioner to study the feasibility of selling outstanding state tax liabilities and report his findings and recommendations to the legislature by January 1, 2023

§§ 33 & 34 — OUT-OF-STATE DEBT COLLECTIONS

Extends existing laws on enforcing tax debts in other states to the District of Columbia; requires the attorney general and DRS commissioner, by February 15, 2023, to report to the legislature on these enforcement efforts during the 2021 and 2022 calendar years

§ 35 — CONDITIONS FOR LICENSE OR PERMIT ISSUANCE OR RENEWAL

Expands the circumstances under which the DRS commissioner is prohibited from issuing or renewing certain permits or licenses

§ 36 — DRS STUDIES OF THE PERSONAL INCOME TAX AND DRS-ADMINISTERED TAXES AND FEES

Requires the DRS commissioner to study (1) alternative approaches for imposing the personal income tax with respect to taxpayer residency and (2) DRS-administered taxes and fees

§ 1 — RESPONSIBLE PARTY PENALTY FOR WITHHOLDING TAX

Increases the responsible party penalty for income tax withholding

By law, anyone required to collect, truthfully account for, and pay over Connecticut personal income tax who willfully fails to do so, or who willfully attempts to evade or defeat the tax or its payment, is liable for a penalty equal to the total amount of tax evaded or not collected, accounted for, or paid over. The act additionally makes him or her liable for any penalty or interest attributable to these actions. Under the act, the penalty amount for which a person may be personally liable under this provision must be collected according to existing state income tax collection laws.
EFFECTIVE DATE: Upon passage

§§ 2 & 3 — INCOME TAX REFUNDS DUE TO CHANGES MADE BY ANOTHER JURISDICTION

Establishes conditions under which taxpayers must file amended income tax returns, and may file refund claims, because of certain changes and corrections made by another qualifying jurisdiction

By law, taxpayers must file an amended personal income tax return if (1) they claimed a credit for income tax paid to a qualifying jurisdiction (e.g., another state) on their original return and (2) the jurisdiction's tax officials or courts made a change to, or a correction that changes, the amount of tax the taxpayer owes to the jurisdiction (and thus changes the amount of the allowable Connecticut income tax credit). The act additionally requires any taxpayer who claimed this credit to file an amended return for any tax year in which the qualifying jurisdiction's tax officials or courts issued an assessment against the taxpayer for failing to file an income tax return with the jurisdiction.

As under existing law, taxpayers must file these amended returns within 90 days after the final determination of the tax due to the other jurisdiction. Under the act, if a taxpayer files an amended return as a direct result of paying an assessment to a qualifying jurisdiction, then the taxpayer is eligible for a refund for any resulting Connecticut income tax overpayment, but only if the amended return is filed within five years after the original Connecticut income tax return was due. Amended returns filed more than five years after this date are ineligible for a refund under the act. By law, a three-year limitation generally applies to refund claims, with certain exceptions, including for claims due to changes or corrections made by another jurisdiction affecting a taxpayer's Connecticut income tax liability.

EFFECTIVE DATE: Upon passage and applicable to tax years beginning on or after January 1, 2022.

§ 4 — INTEREST ON TAX REFUNDS

Caps at $5 million the amount of interest (1) added to any tax refund issued by the DRS commissioner for a tax period and (2) that a court may award in any tax appeal in connection with a tax refund claim for a tax period

The act caps at $5 million the amount of interest (1) that can be added to any tax refund issued by the Department of Revenue Services (DRS) commissioner for a tax period and (2) that a court may award in any tax appeal in connection with a tax refund claim for a tax period.

EFFECTIVE DATE: Upon passage

§ 5 — LIMITATION ON CLAIMS FOR REFUNDS FOR CLOSED AUDIT PERIODS

Limits the period during which taxpayers may file refund claims for closed audit periods

The act limits the period during which taxpayers may file refund claims for tax periods for which the results of any DRS-conducted civil audit, investigation, examination, or reexamination have become final. Under the act, taxpayers must file these claims within six months after the date the results become final by operation of law or by exhaustion of all available administrative and judicial rights of appeal, whichever is later.

Under the act, after this six-month period, the tax period covered by the audit, investigation, examination, or reexamination must close. The taxpayer may not file any additional refund claims for the period, except for specified refund claims authorized under existing corporation business and personal income tax laws.

EFFECTIVE DATE: Upon passage

§§ 6 & 7 — AUTHORIZATION TO SHARE RETURN INFORMATION IN CONNECTION WITH CRIMINAL INVESTIGATIONS

Establishes conditions under which the DRS commissioner and DRS special police may disclose specified tax return information in connection with criminal investigations

The act allows DRS special police, in connection with their official criminal tax investigation duties and the enforcement of any state criminal law, to disclose return information if it is not otherwise reasonably available to law enforcement officers. This information includes information on a tax return, including a taxpayer's identity and income sources and amounts.

The act also allows the DRS commissioner, subject to any terms and conditions he prescribes, to disclose returns and return information to authorized members of organized local police departments upon a written request by the department's police chief. The request must (1) establish the return or return information's relevance to an authorized investigation the department is conducting into a state criminal law violation, (2) establish that no other source of such information is available to the department, and (3) include the name of each department member who will be authorized to receive the information.

The DRS commissioner may disclose the information if he deems it relevant to the investigation. The act prohibits any police department member who receives the information from disclosing it except in connection with a criminal prosecution,

including related judicial proceedings, when the information is directly involved in and necessary to the prosecution. Violators are subject to a fine up to $1,000, up to one year in prison, or both.
EFFECTIVE DATE: Upon passage

§§ 8-14 — DRS SPECIAL POLICE

Designates DRS special police as "peace officers," giving them certain powers and legal protections under state law

The act expands the definition of "peace officer" to include DRS special police and makes conforming changes. Under prior law, DRS special police had many, but not all, the powers and protections afforded to peace officers. By designating them as peace officers, the act specifically allows them to do the following, among other things:

1. use a hand-held cellphone while simultaneously driving and performing official duties within the scope of their employment (CGS § 14-296aa);
2. be considered peace officers under the state's Blue Alert system, which can be used to apprehend anyone suspected of killing or seriously injuring a peace officer or to locate any officer who is missing (CGS § 29-1k);
3. obtain a motor vehicle's event data recorder pursuant to a search warrant (CGS § 14-164aa); and
4. be considered peace officers subjected to a substantial risk of bodily injury at the scene of 1st degree arson (CGS § 53a-111).

By law, the DRS special police are appointed by the emergency services and public protection commissioner from those the DRS commissioner nominates, and they have all the powers of state police.
EFFECTIVE DATE: Upon passage

§§ 15 & 16 — NONRESIDENT COMPOSITE INCOME TAX RETURNS

Codifies an existing DRS policy by allowing pass-through entities to elect to remit composite income tax on behalf of their nonresident members

Composite Return Election

The act codifies an existing DRS policy by allowing pass-through entities (PE) (i.e., affected business entities) to elect, on an annual basis, to remit composite income tax on behalf of their nonresident members. (Under the policy, if a PE makes this election, its nonresident members are excused from filing their own Connecticut personal income tax returns if they have no Connecticut source income other than from the electing PE.) Under the act, the PEs must (1) make this election by the due date or extended due date for filing their PE tax returns and (2) file the composite returns subject to any requirements and conditions the DRS commissioner prescribes in the return form and instructions.

Calculating the Tax Due

A PE that makes this election must remit to DRS the composite income tax, plus any applicable interest and penalties, on behalf of each of its nonresident individual members. Under the act, these payments are considered personal income tax payments by the nonresident individuals for the taxable period.

The composite income tax due on behalf of each nonresident individual member is each member's distributive share of the PE's Connecticut source income multiplied by 6.99% (i.e., the highest marginal rate for the taxable year), minus each member's PE tax credit. The amount due on any member's behalf may not be less than zero. Composite income tax payments are due at the same time as PE tax payments and subject to the same penalties and interest.

Nonresident Filing and Payment Requirements

Under the act, if the only Connecticut source income for the nonresident member (or in the case of joint filers, the nonresident member and spouse) is from one or more electing PEs, then the composite income tax return and payment the PE remitted on his or her behalf satisfies his or her Connecticut income tax filing and payment requirements. But the nonresident member (or member and spouse) is not excused from filing a separate Connecticut income tax return if he or she has Connecticut source income from sources other than the electing PE. Any such member must receive credit for the composite income tax payment the PE made on his or her behalf.

In either case, the DRS commissioner may make any deficiency assessments against the PE or the member, but the member's assessment must be limited to his or her share of the deficiency. These deficiency assessments generally must be

made within three years after the PE annual return's filing, except as provided under existing law for income tax collections in which a taxpayer has not filed a return, committed fraud, or otherwise intended to evade the taxes due.
EFFECTIVE DATE: Upon passage

§§ 17-19 — TECHNICAL CORRECTIONS TO THE ESTATE AND GIFT TAX LAWS

Makes technical corrections to the estate and gift tax laws

The act reestablishes definitions of "federal basic exclusion amount" under the estate and gift tax laws and corrects a reference to the taxable threshold for filing estate tax returns with the DRS commissioner.

Under the act, the "federal basic exclusion amount" for the estate tax is the dollar amount published annually by IRS at which a decedent would be required to file a federal estate tax return based on the value of his or her gross estate and federal taxable gifts. For the gift tax, it is the IRS-published dollar amount over which a donor would owe federal gift tax based on the value of the donor's federally taxable gifts. The same definitions applied under prior law (PAs 18-49 and -81). (PA 22-110, §§ 15-17, includes these same provisions.)
EFFECTIVE DATE: October 1, 2022

§ 20 — CONVEYANCE TAX CREDIT AGAINST THE INCOME TAX

Modifies the conveyance tax credit that applies against the personal income tax

Prior law allowed taxpayers who paid conveyance tax at the 2.25% marginal rate to claim a property tax credit against their state income tax liability based on the amount they paid in conveyance tax at this rate. The act instead allows them to claim a credit equal to the tax they paid in excess of 1.25% on the portion of sales price exceeding $800,000. (By law, the 2.25% rate applies to any portion of a residential dwelling's sales price that exceeds $2.5 million; the 1.25% rate applies to any portion that exceeds $800,000 and is less than or equal to $2.5 million.)

As under existing law, taxpayers may use the conveyance tax payment as the basis for calculating the property tax credit for three years, beginning in the third tax year after the year in which the taxpayer paid the conveyance tax. The credit in each year cannot exceed 33.3% of the eligible tax payment. The act also makes technical changes.
EFFECTIVE DATE: Upon passage

§§ 21-30 — SALES AND USE TAX REASSESSMENTS

Authorizes the DRS commissioner to impose more than one sales and use tax deficiency assessment (i.e., reassessments) for a tax period

Deficiency Assessments and Reassessments

The act authorizes the DRS commissioner to impose more than one sales and use tax deficiency assessment (i.e., reassessments) for a tax period. Prior law allowed him to impose only one assessment per tax period, except (1) in the case of fraud or tax evasion in which a return was filed or (2) if he found new information warranting more than one assessment regardless of whether a return was filed.

The act subjects these reassessments to the same requirements that apply to deficiency assessments under existing law, including interest, penalty, notice, and statute of limitations provisions. With certain exceptions, the DRS commissioner generally has three years from the tax return's due date to make a deficiency assessment. This three-year limitation does not apply under specified conditions (e.g., in the case of fraud or tax evasion) or if the taxpayer did not file a return for the filing period. The act also makes numerous conforming changes throughout the sales and use tax law.

Existing law authorizes the commissioner to issue a written notice of estimate, assessment, and penalty to sales and use taxpayers who fail to file a tax return. The act specifies that these provisions do not preclude the commissioner from issuing a deficiency assessment or reassessment for any period for which he has issued such a written notice.

Jeopardy Tax Collections

The act similarly authorizes the DRS commissioner to impose reassessments in sales and use tax jeopardy tax collections (i.e., when the commissioner takes action to collect sales and use taxes that are assessed but not yet due when he believes that the tax will be jeopardized by delay). It subjects these reassessments to the same requirements that apply

under existing law to jeopardy assessments.

Written Protests

Prior law authorized taxpayers against whom a sales and use tax assessment or jeopardy assessment was made (or any person directly interested) to petition for a reassessment within 60 days after receiving notice of the assessment. The act instead allows them to file a written protest of the assessment and extends this same authorization to taxpayers against whom a reassessment or jeopardy reassessment has been made. The act also makes conforming changes.
EFFECTIVE DATE: Upon passage

§ 31 — STATUTE OF LIMITATIONS ON COLLECTION ACTIONS

Generally prohibits the DRS commissioner from collecting a tax after 10 years (1) from the date the tax was reported on a return filed with DRS or (2) in the case of an assessment, from the date it became final

The act generally prohibits the DRS commissioner from collecting a tax after 10 years (1) from the date the tax was reported on a return filed with DRS or (2) in the case of an assessment, from the date the assessment became final. Any taxes that remain unpaid after the 10-year period are deemed abated as of the first day of the 11th year after the return was filed or the assessment became final, as applicable.

The 10-year statute of limitations does not apply to any taxes (1) for which the commissioner has entered into a compromise or closing agreement or (2) that have been secured by recording a lien on a taxpayer's real or personal property.
EFFECTIVE DATE: Upon passage

§ 32 — DRS STUDY ON SALE OF OUTSTANDING TAX LIABILITIES

Requires the DRS commissioner to study the feasibility of selling outstanding state tax liabilities and report his findings and recommendations to the legislature by January 1, 2023

The act requires the DRS commissioner to study the feasibility of selling outstanding state tax liabilities. The study must (1) identify the current balance of these liabilities and their breakdown by tax type; (2) analyze or project the amount of revenue the state could generate from selling these liabilities; and (3) provide the commissioner's conclusion as to whether the state should sell them and, if so, identify any necessary legislative changes.

The commissioner must submit the study's findings and recommendations to the Finance, Revenue and Bonding Committee by January 1, 2023. He may consult with any people, businesses, and state agencies he deems necessary or appropriate for the study and may enter into a contract with a public or private entity to prepare the report.
EFFECTIVE DATE: Upon passage

§§ 33 & 34 — OUT-OF-STATE DEBT COLLECTIONS

Extends existing laws on enforcing tax debts in other states to the District of Columbia; requires the attorney general and DRS commissioner, by February 15, 2023, to report to the legislature on these enforcement efforts during the 2021 and 2022 calendar years

Enforcement of Tax Debts in Other States

Existing law allows the attorney general, at the DRS commissioner's request, to bring suit in the appropriate court in any other state to collect any tax legally due to Connecticut. It also allows any political subdivision of the state to bring these suits to collect any tax due to it. The act allows the attorney general and political subdivisions to also file these suits in the District of Columbia.

The law similarly requires state courts to enforce liabilities for taxes imposed by other states and their subdivisions that are similar to those imposed in Connecticut so long as the other state extends the same privilege to Connecticut and its subdivisions. The act extends these same provisions to taxes imposed by the District of Columbia and makes conforming changes to the related procedures for enforcing these taxes.

Legislative Report

The act requires the attorney general and DRS commissioner, by February 15, 2023, to jointly report to the Finance, Revenue and Bonding Committee on the attorney general's enforcement efforts under this law. The report must cover the 2021 and 2022 calendar years and include the (1) number of these suits the attorney general brought during this period, (2) states in which they were brought, and (3) amount of taxes recovered as a result.
EFFECTIVE DATE: Upon passage

§ 35 — CONDITIONS FOR LICENSE OR PERMIT ISSUANCE OR RENEWAL

Expands the circumstances under which the DRS commissioner is prohibited from issuing or renewing certain permits or licenses

Existing law bars the DRS commissioner from issuing or renewing certain permits or licenses for any applicant whom he determines (1) has failed to file any required tax returns or (2) owes any state taxes for which all administrative or judicial remedies have expired or been exhausted. The act additionally bars him from issuing or renewing these licenses or permits if he determines that the applicant has a "related person" with outstanding returns or taxes. The related person must file any outstanding returns and pay any taxes owed, or arrange to do so, to the commissioner's satisfaction before the commissioner may issue or renew the license or permit. These same requirements apply to the applicants under existing law.

Under the act, a "related person" is a person or entity (i.e., corporation, partnership, association, or trust) that (1) controls or is controlled by the applicant, (2) is controlled by another person or entity that controls the applicant, or (3) is a member of the same controlled group as the applicant. In the case of a corporation, "control" means directly or indirectly owning 50% or more of the combined voting power of all classes of its stock. In the case of a trust, control means directly or indirectly owning 50% or more of the beneficial interest of the trust's principal or income. "Ownership" is defined as in federal income tax law.

By law, these provisions apply to applicants for a (1) cigarette dealer, distributor, or manufacturer license; (2) tobacco product distributor or unclassified importer license; or (3) sales tax seller's permit.
EFFECTIVE DATE: Upon passage

§ 36 — DRS STUDIES OF THE PERSONAL INCOME TAX AND DRS-ADMINISTERED TAXES AND FEES

Requires the DRS commissioner to study (1) alternative approaches for imposing the personal income tax with respect to taxpayer residency and (2) DRS-administered taxes and fees

The act requires the DRS commissioner to study alternative approaches for imposing the personal income tax with respect to taxpayer residency. The study must identify legislative changes to (1) improve income tax collection or (2) implement an alternative approach for imposing the tax.

It additionally requires the commissioner to study each DRS-administered tax and fee to determine its overall effectiveness. The study must identify the (1) amount of revenue each tax or fee generated for the most recent year for which complete records are available, (2) cost DRS incurred in administering them, and (3) potential legislative changes to improve their administration.

The commissioner must, by January 1, 2023, report his findings and recommendations for each study to the Finance, Revenue and Bonding Committee. For both studies, the act allows the commissioner to (1) consult with any individuals, businesses, and state agencies he deems necessary or appropriate and (2) contract with a public or private entity to prepare the legislative reports.
EFFECTIVE DATE: Upon passage

PA 22-8—SB 187
General Law Committee

AN ACT CONCERNING COTTAGE FOOD OPERATIONS

SUMMARY: This act raises, from $25,000 to $50,000, the annual gross sales limit for cottage food operation licensees. This threshold is the maximum amount a licensee may earn in a calendar year before having to obtain a food manufacturing establishment license (or stop operations).
EFFECTIVE DATE: October 1, 2022

PA 22-12—sSB 185
General Law Committee
Judiciary Committee

AN ACT CONCERNING COUNTERFEIT AND UNSAFE LIGHTERS

SUMMARY: This act generally prohibits offering or selling a counterfeit or unsafe lighter in Connecticut. This includes providing it as a free sample to someone in the state, regardless of whether the person is offering or selling the lighter on a retail or wholesale basis in person or online.

The act specifies that it does not prohibit the (1) interstate transportation of these lighters through the state or (2) storage of them in any Connecticut distribution center or warehouse that is closed to the public and does not distribute or sell at retail to the public.

The act allows the state fire marshal, a local fire marshal who enforces the State Fire Prevention Code or Fire Safety Code, and any other person aggrieved by a violation of the act to bring a civil action in Superior Court to recover damages from the person who is alleged to have committed the violation.
EFFECTIVE DATE: October 1, 2022

COVERED LIGHTERS

Under the act, a "lighter" is any electrical or mechanical device that (1) operates using any type of fuel, including butane or another liquid fuel, and (2) is typically used to light a cigarette, cigar, or pipe.

A "counterfeit lighter" is a lighter that infringes on the intellectual property rights of a U.S. citizen or entity protected by federal or state intellectual property law.

An "unsafe lighter" is a (1) disposable or refillable cigarette or pocket lighter that does not comply with American Society for Testing and Materials (ASTM) standards for lighters (F400-20) and (2) grill or utility lighter that does not comply with ASTM standards for utility lighters (F2201-20).

PA 22-15—sSB 6
General Law Committee
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING PERSONAL DATA PRIVACY AND ONLINE MONITORING

SUMMARY: This act establishes a framework for controlling and processing personal data. Among other things, it:

1. sets responsibilities and privacy protection standards for data controllers (those that determine the purpose and means of processing personal data) and processors (those that process data for a controller);
2. gives consumers the right to access, correct, delete, and obtain a copy of their personal data and to opt out of certain types of personal data processing (e.g., targeted advertising);
3. requires controllers to conduct data protection assessments;
4. authorizes the attorney general to bring an action to enforce the act's requirements; and
5. deems violations to be Connecticut Unfair Trade Practices Act (CUTPA) violations, enforced solely by the attorney general.

The act's consumer data privacy requirements generally apply to individuals (1) conducting business in Connecticut or producing products or services targeted to Connecticut residents and (2) controlling or processing personal data of numbers of consumers above specified thresholds during the previous calendar year.

The act exempts from its requirements (1) various entities, including state and local governments, nonprofits (i.e., federally tax exempt 501(c)(3), (4), (6), or (12) organizations), and higher education institutions, and (2) specified information and data, including certain health records, identifiable private information for human research, certain credit-related information, and certain information collected under specified federal laws.

The act also establishes a task force to, among other things, study Health Insurance Portability and Accountability Act (HIPAA)-adjacent data and other data privacy issues and make recommendations to the General Law Committee by January 1, 2023.

EFFECTIVE DATE: July 1, 2023, except the task force provision is effective upon passage.

§§ 1 & 2 — CONTROLLERS AND PROCESSORS SUBJECT TO THE ACT'S REQUIREMENTS

The act's requirements generally apply to individuals and entities that do business in Connecticut or produce products or services targeting Connecticut residents and, during the preceding calendar year, controlled or processed personal data of at least:

1. 100,000 consumers, excluding personal data controlled or processed solely for completing a payment transaction, or
2. 25,000 consumers and derived more than 25% of their gross revenue from selling personal data.

The act defines a consumer as a state resident but excludes 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.

Under the act, a "controller" is an individual or legal entity that, alone or jointly with others, determines the purpose and means of processing personal data. A "processor" is an individual or legal entity that processes personal data on a controller's behalf.

"Personal data" is any information that is linked, or reasonably linkable, to an identified or identifiable individual, excluding de-identified data or publicly available information. "Publicly available information" is information that (1) is lawfully available through federal, state, or municipal government records, or widely distributed media and (2) a controller has a reasonable basis to believe a consumer has lawfully made available to the general public.

"Process" or "processing" means any manual or automatic operation or set of operations performed on personal data or sets of personal data, including collecting, using, storing, disclosing, analyzing, deleting, or modifying personal data.

§ 3 — EXEMPTIONS

Entities

The act does not apply to any of the following entities:

1. state bodies, authorities, boards, bureaus, commissions, districts, or agencies or those of its political subdivisions;
2. federally tax-exempt nonprofit organizations;
3. private or public higher education institutions;
4. national securities associations registered under federal law;
5. financial institutions or data subject to certain provisions of the federal Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.); or
6. covered entities or business associates, as defined in HIPAA regulations (e.g., health plans, health care clearinghouses, and health care providers).

Information and Data

The act also exempts the following information and data:

1. protected health information under HIPAA (42 U.S.C. § 1320d et seq.);
2. patient identifying information under a federal law on substance use disorder treatment (42 U.S.C. § 290dd-2);
3. identifiable private information under the federal policy for protecting human subjects (45 C.F.R. Part 46);
4. identifiable private information collected as part of human subject research under the good clinical practice guidelines issued by the International Council for Harmonization of Technical Requirements for Pharmaceuticals

for Human Use;
5. information and data related to protecting human subjects (21 C.F.R. Parts 6, 50, and 56) or personal data used or shared in research conducted in accordance with the standards for protecting human subjects the act exempts above, or other research conducted in accordance with applicable law (45 C.F.R. § 164.501);
6. information and documents created for the federal Health Care Quality Improvement Act of 1986 (42 U.S.C. § 11101 et seq.);
7. patient safety work product for patient safety organizations under state law (CGS § 19a-127o) and the federal Patient Safety and Quality Improvement Act (42 U.S.C. § 299b-21 et seq.);
8. information derived from any health care related information listed in the information or data exemption list that is de-identified according to HIPAA's de-identification requirements;
9. information originating from and intermingled to be indistinguishable with, or treated in the same way as, other exempt information under the act maintained by a covered entity (e.g., health care providers and plans) or business associate, program, or qualified service organization, as specified in a federal law on substance use disorder treatment (42 U.S.C. § 290dd-2);
10. information used for public health activities and purposes as authorized by HIPAA, community health activities, and population health activities;
11. the collection, maintenance, disclosure, sale, communication, or use of any personal information relating to a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, furnisher, or user that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that activity is regulated by and authorized under the federal Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.);
12. personal data collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994 (18 U.S.C. § 2721 et seq.);
13. personal data regulated by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g et seq.);
14. personal data collected, processed, sold, or disclosed in compliance with the federal Farm Credit Act (12 U.S.C. § 2001 et seq.);
15. data processed or maintained (a) in the course of an individual applying to, being employed by, or acting as an agent or independent contractor of a controller, processor, or third party, to the extent that the data is collected and used within the context of that role; (b) as an individual's emergency contact information and used for emergency contact purposes; or (c) that must be retained to administer benefits for another individual whose data is HIPAA-protected; and
16. personal data collected, processed, sold, or disclosed in relation to price, route, or service, as used in the federal Airline Deregulation Act (49 U.S.C. § 40101 et seq.), by an air carrier subject to that act, to the extent this act is preempted by the Airline Deregulation Act (49 U.S.C. § 41713).

Parental Consent Exemption

This act deems 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.) compliant with any obligation to obtain parental consent under this act. Under this act, COPPA includes the regulations, rules, guidance, and exemptions adopted under that act.

§ 4 — CONSUMER RIGHTS

With certain exceptions, the act gives consumers the right to:
1. confirm whether or not a controller is processing the consumer's personal data and access the data, unless the confirmation or access would require the controller to reveal a trade secret;
2. correct inaccuracies in the consumer's personal data, considering its nature and the reason it is being processed;
3. delete personal data provided by, or obtained about, the consumer;
4. obtain a copy of the consumer's personal data processed by the controller in a portable and, to the extent technically feasible, readily usable format that allows the consumer to transmit the data to another controller without hindrance, where the processing is carried out by automated means, as long as the controller is not required to reveal any trade secret; and
5. opt out of personal data processing for (a) "targeted advertising"; (b) the "sale of personal data," except as allowed under the act for opting out of club programs (e.g., a loyalty program; § 6); or (c) profiling to further solely automated "decisions that produce legal or similarly significant effects concerning the consumer" (i.e., controller

decisions that result in providing or denying financial or lending services, housing, insurance, education enrollment or opportunity, criminal justice, employment opportunities, health care services, or access to essential goods or services).

Related Definitions. Under the act, a "trade secret" is information, including a formula, pattern, compilation, program, device, method, technique, process, drawing, cost data, or customer list, that (1) derives actual or potential independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other individuals who can obtain economic value from its disclosure or use, and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The act defines "profiling" as any form of automated processing performed 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.

"Targeted advertising" means 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.

"Sale of personal data" is the exchange of personal data for monetary or other valuable consideration by the controller to a third party. 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) where 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.

Controller's Response

Except as otherwise provided by the act, a controller must comply with a consumer's request to exercise the rights described above.

The act requires a controller to respond to the consumer without undue delay, but within 45 days after receiving the request. The controller may extend the response period for 45 more days when reasonably necessary considering the complexity and number of the consumer's requests. The controller must tell the consumer about any extension within the initial response period and the reason for it.

If a controller declines to act on the consumer's request, the controller must tell the consumer without undue delay, but within 45 days after receiving the request. The notice must include the justification for declining to act and instructions on how to appeal the decision.

Under the act, a controller must provide information in response to a consumer request for free, once per consumer during any 12-month period. If the consumer's request is manifestly unfounded, excessive, or repetitive, the controller may decline to act on it or charge the consumer a reasonable fee to cover the administrative costs of complying with the request. The controller bears the burden of showing why the request was manifestly unfounded, excessive, or repetitive.

If a controller, using commercially reasonable efforts, cannot authenticate a consumer's request to confirm, correct, delete, or obtain a copy of the personal data processed, the controller is not required to comply with the request to initiate an action under this provision. The controller must notify the consumer that it is unable to authenticate the request until the consumer provides additional information reasonably necessary to authenticate the consumer and his or her request.

Under the act, a controller is not required to authenticate an opt-out request and may deny the request if it has a good faith, reasonable, and documented belief the request is fraudulent. If a controller denies a fraudulent request, it must send notice to the requester disclosing why it believed the request was fraudulent and that it will not comply with it.

Under the act, a controller that obtained personal data about a consumer from a source other than the consumer is deemed in compliance with a consumer's request to delete the data if the controller:

1. retains a record of the deletion request and the minimum data needed for ensuring the consumer's personal data remains deleted from the controller's records and does not use the retained data for any other purpose under the act's requirements, or

2. opts the consumer out of the personal data processing for any purposes, except those the act exempts from its requirements.

The act requires controllers to set up a process for a consumer to appeal the controller's refusal to act on a request within a reasonable time period after the consumer receives the decision. The appeals process must be conspicuously available and similar to the process for submitting requests to initiate action. Within 60 days after receiving an appeal, a controller must inform the consumer in writing about any action taken in response to the appeal, including a written explanation of the reasons. If the controller denies the appeal, it must also give the consumer a specified method for contacting the attorney general and submitting a complaint.

§§ 4 & 5 — ACTING ON A CONSUMER'S BEHALF

The act allows a consumer to exercise his or her rights (e.g., rights to access, correct, and delete personal data) by a secure and reliable means the controller sets and describes to the consumer in the controller's privacy notice. A consumer may designate an authorized agent to exercise his or her right to opt out of targeted advertising, personal data sales, or automatic profiling.

The consumer may designate the authorized agent using technology indicating the consumer's intent to opt out of the processing, such as an Internet link or browser setting, browser extension, or global device setting. The act requires a controller to comply with an opt-out request from an authorized agent if the controller can verify, with commercially reasonable effort, the consumer's identity and the authorized agent's authority to act on the consumer's behalf.

Children and Individuals Subject to Protective Arrangements

In the case of processing a child's personal data, the act allows a parent or legal guardian to exercise the above opt-out rights on the child's behalf. It similarly allows a consumer's guardian or conservator to exercise these rights on the behalf of a consumer subject to a guardianship, conservatorship, or other protective arrangement.

§ 6 — CONTROLLERS

Requirements

The act requires controllers to do the following:

1. limit the collection of personal data to what is adequate, relevant, and reasonably necessary for data processing, as disclosed to the consumer;
2. establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data appropriate to the volume and nature of the personal data at issue;
3. offer an effective way for a consumer to revoke his or her consent that is at least as easy as the way the consumer gave consent; and
4. when consent is revoked, stop processing the data as soon as practicable, but within 15 days after getting the request.

Prohibitions

The act prohibits controllers from processing the following:

1. personal data for purposes that are neither reasonably necessary to, nor compatible with, the disclosed purposes for which the personal data is processed, as disclosed to the consumer, except with the consumer's consent or as allowed under the act;
2. sensitive data about the consumer without consent, or if the consumer is a known child (i.e., younger than age 13), without processing the data in accordance with COPPA;
3. personal data in violation of state and federal laws that prohibit unlawful discrimination against consumers; and
4. a consumer's personal data for targeted advertising or selling the data without the consumer's consent, where a controller has actual knowledge of, and willfully disregards, that the consumer is ages 13-15.

Related Definitions. Under the act, a consumer's consent means a clear affirmative act signifying the consumer's 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 through the use of dark patterns.

A "dark pattern" (1) is a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making, or choice and (2) includes any practice the Federal Trade Commission refers to as a "dark pattern."

Under the act, "sensitive data" means personal data that includes (1) data revealing racial or ethnic origin, religious beliefs, mental or physical health condition or diagnosis, sex life, sexual orientation, or citizenship or immigration status; (2) processing genetic or biometric data in order to uniquely identify an individual; (3) personal data collected from a known child; or (4) precise geolocation data.

Under the act, "biometric data" means data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or identifying characteristics. It does not include digital or physical photographs, video or audio recordings, or data generated from these, unless the data is generated to identify a specific individual.

Discrimination

The act prohibits controllers from discriminating against a consumer for exercising any rights the act allows. This includes denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods or services to the consumer.

Goods or Services a Controller Does Not Collect

The act specifies that a controller does not have to provide a product or service that requires a consumer's personal data that the controller does not collect or maintain.

Difference in Goods or Services (e.g., Club Program)

The act specifies that its provisions do not prohibit controllers from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the offer is connected with a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program.

Privacy Notice and Disclosure

The act requires controllers to provide consumers with a reasonably accessible, clear, and meaningful privacy notice. The notice must include:

1. the categories of personal data the controller processes;
2. the purpose for processing personal data;
3. how consumers may exercise their data privacy rights, including how to appeal a controller's decision about the consumer's request;
4. the categories of personal data that the controller shares with third parties, if any;
5. the categories of third parties, if any, with which the controller shares personal data; and
6. an active e-mail address or other online way to contact the controller.

Under the act, if a controller sells personal data to third parties or processes personal data for targeted advertising, the controller must clearly and conspicuously disclose the processing, as well as how a consumer can exercise his or her opt-out rights.

The controller must set up, and describe in a privacy notice, one or more secure and reliable means for consumers to submit a request to exercise their rights under the act. The means must consider how the consumer normally interacts with the controller, the need for secure and reliable communications for these requests, and the controller's ability to verify the consumer's identity.

Opt-Outs

Under the act, the secure and reliable means described above must include providing a clear and conspicuous link on the controller's website to a website that enables a consumer or the consumer's agent to opt out of the targeted advertising or sale of the consumer's personal data.

By January 1, 2025, consumers must be allowed to opt out of any processing of the consumer's personal data for targeted advertising or personal data sales. The opt-out preference must be sent, with the consumer's consent, by a platform, technology, or mechanism to the controller indicating the consumer's intent to opt out of the processing or sale.

The act requires that the platform, technology, or mechanism:

1. not unfairly disadvantage another controller;
2. not use a default setting, but instead require the consumer to affirmatively and freely give an unambiguous choice to opt out of any processing of his or her personal data that the act regulates;
3. be consumer-friendly and easy to use by the average consumer;
4. be as consistent as possible with other similar platforms, technologies, or mechanisms required by federal or state law or regulation; and
5. enable the controller to accurately determine whether the consumer is a Connecticut resident and whether the consumer has made a legitimate request to opt out of any sale of his or her personal data or targeted advertising.

If a consumer's opt-out from targeted advertising or the sale of their personal data conflicts with his or her existing controller-specific privacy setting or voluntary participation in a controller's bona fide loyalty, rewards, premium features, discounts, or club card program, the controller must comply with the consumer's opt-out preference. The controller may notify the consumer about the conflict and give the consumer the choice to confirm the privacy setting or participation in the program.

If a controller responds to a consumer's opt-out request by informing the consumer about a charge for using any product or service, the controller must present the terms of any financial incentive offered for retaining, using, selling, or sharing the consumer's personal data.

Under the act, controllers must not require a consumer to create a new account in order to make a request but can require them to use an existing account.

§ 7 — PROCESSORS

Controller's Instructions and Providing Assistance

The act requires processors to adhere to the controller's instructions and assist the controller in meeting the controller's obligations under the act. This assistance must consider the nature of processing and the information available to the processor and include:

1. appropriate technical and organizational measures, as reasonably practicable, to fulfill the controller's obligation to respond to consumer rights requests and
2. helping the controller meet its obligations in relation to the (a) security of processing the personal data and (b) notification about a security breach of the processor's system under the state's existing data security law.

Processors must also provide necessary information to enable the controller to conduct and document data protection assessments.

Contracts

Under the act, a contract between a controller and a processor must govern the processor's data processing procedures for processing performed 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 retained;
3. upon the controller's reasonable request, make available to the controller all information in its possession necessary to demonstrate the processor's compliance with the obligations under the act;
4. after giving the controller an opportunity to object, engage any subcontractor pursuant to a written contract that requires the subcontractor to meet the processor's obligations regarding 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.

Under the act, the independent assessor must 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.

The act specifies that these requirements should 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

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 with 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.

§ 8 — DATA PROTECTION ASSESSMENT

Assessment Requirements

The act requires controllers to conduct certain data protection assessments and specifies that these requirements apply to processing activities created or generated after July 1, 2023, and are not retroactive.

Specifically, the act requires controllers to conduct and document a data protection assessment for each of their processing activities that presents a heightened risk of harm to a consumer. This includes (1) processing personal data for targeted advertising purposes, (2) selling personal data, and (3) processing sensitive data.

Controllers must also conduct an assessment for processing personal data used for profiling when the profiling presents a reasonably foreseeable risk of:

1. unfair or deceptive treatment of, or unlawful disparate impact on, consumers;
2. financial, physical, or reputational injury to consumers;
3. a physical or other intrusion upon the solitude, seclusion, or private affairs or concerns of consumers where this intrusion would be offensive to a reasonable person; or
4. other substantial injury to consumers.

Under the act, data protection assessments must identify and weigh the benefits that may directly and indirectly flow from the processing to the controller, consumer, other stakeholders, and public against the potential risks to the consumer's rights associated with the processing, as mitigated by the controller's safeguards. They must also consider the use of de-identified data (as described below) and the consumer's reasonable expectations, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed.

The act allows a single data protection assessment to address a comparable set of processing operations that include similar activities. If a controller conducts an assessment to comply with another applicable law or regulation, that assessment is deemed to satisfy the act's requirements if it is reasonably similar in scope and effect.

Disclosure to Attorney General

The act allows the attorney general to require a controller to disclose and make available any data protection assessment relevant to his investigations. The attorney general may evaluate the assessment for compliance with the responsibilities the act imposes. The assessments are confidential and exempt from disclosure under the state's Freedom of Information Act. To the extent any information in a disclosed assessment includes information subject to attorney-client privilege or work product protection, the act specifies that a disclosure does not constitute a waiver of the privilege or protection.

§ 9 — DE-IDENTIFIED DATA

Requirements

The act requires any controller that possesses de-identified data to:

1. take reasonable measures to ensure the data cannot be associated with an individual,
2. publicly commit to maintaining and using de-identified data without attempting to re-identify the data, and
3. contractually obligate any recipient of the de-identified data to comply with the act's requirements.

Under the act, "de-identified data" is data that cannot reasonably be used to infer information about, or otherwise be linked to, a specific individual or his or her device. To be de-identified, a controller that possesses the data must (1) take

reasonable measures to ensure the data cannot be associated with the individual, (2) publicly commit to process the data only in a de-identified fashion and not attempt to re-identify the data, and (3) contractually obligate anyone receiving the data to satisfy these requirements.

Applicability

The act specifies that it should not be construed to require a controller or processor to (1) re-identify de-identified or pseudonymous data or (2) maintain data in identifiable form, or collect, obtain, retain, or access any data or technology, in order to be able to associate an authenticated consumer request with personal data. Additionally, it does not require a controller or processor to comply with an authenticated consumer rights request if the controller:

1. is not reasonably capable of associating the request with the personal data, or it would be unreasonably burdensome for the controller to associate the request with the personal data;
2. does not use the personal data to recognize or respond to the specific consumer who is the subject of the personal data, or associate the personal data with other personal data about the same specific consumer; and
3. does not sell the personal data to any third party or otherwise voluntarily disclose the personal data to any third party other than a processor, except as otherwise permitted.

Under the act, to "authenticate" a request is to use reasonable means to determine that a request to exercise any of the rights provided by the act is being made by, or on behalf of, the consumer who is entitled to exercise these consumer rights with respect to the personal data at issue.

Pseudonymous Data

Under the act, a consumer's rights under the act (see § 4) do not apply to pseudonymous data when the controller (1) is able to show that any information needed to identify the consumer is kept separately and (2) has effective technical and organizational controls that prevent the controller from accessing it.

The act defines "pseudonymous data" as personal data that cannot be attributed to a specific individual without using additional information, so long as the additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable individual.

The act requires a controller that discloses pseudonymous or de-identified data to exercise reasonable oversight to monitor compliance with any contractual commitments to which the data is subject. Controllers must take appropriate steps to address any breaches of those commitments.

§ 10 — PROCESSING PERSONAL DATA FOR SPECIFIED PURPOSES

Ability to Comply With or Take Certain Other Actions

The act specifies that nothing in its provisions should be construed to restrict a controller's or processor's ability to:

1. comply with federal, state, or municipal ordinances or regulations, or a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, municipal, or other governmental authorities;
2. cooperate with law enforcement agencies concerning conduct or activity that the controller or processor reasonably and in good faith believes may violate federal, state, or municipal ordinances or regulations;
3. investigate, establish, exercise, prepare for, or defend legal claims;
4. provide a product or service a consumer specifically requested;
5. perform a contract to which a consumer is a party, including by fulfilling written warranty terms;
6. take steps at the consumer's request before entering into a contract;
7. take immediate steps to protect an interest that is essential for the life or physical safety of the consumer or an individual and where the processing cannot be manifestly based on another legal basis;
8. prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity; preserve the integrity or security of systems; or investigate, report, or prosecute those responsible for these actions;
9. engage in public- or peer-reviewed scientific or statistical research in the public interest that follows applicable ethics and privacy laws and is approved, monitored, and governed by an institutional review board that determines, or similar independent oversight entities that determine, if (a) deleting the information is likely to provide substantial benefits that do not exclusively benefit the controller, (b) the research's expected benefits outweigh the privacy risk, and (c) the controller has implemented reasonable safeguards to mitigate privacy risks associated with research, including any risks associated with re-identification;

10. assist another controller, processor, or third party with any obligations under the act; or
11. process personal data for reasons of public interest in public health, community health, or population health, but solely to the extent that the processing is (a) subject to suitable and specific measures to safeguard the rights of the consumer whose personal data is being processed and (b) under the responsibility of a professional subject to confidentiality obligations under federal, state, or local law.

Ability to Collect, Use, or Retain Data

The act also specifies that the obligations it imposes on controllers or processors do not restrict their ability to collect, use, or retain data for internal use to:

1. conduct internal research to develop, improve, or repair products, services, or technology;
2. recall products;
3. identify and repair technical errors that impair existing or intended functionality; or
4. perform internal operations that are reasonably aligned with the consumer's expectations, reasonably anticipated based on the consumer's existing relationship with the controller, or compatible with processing data based on (a) providing a product or service the consumer specifically requested or (b) performing a contract to which the consumer is a party.

Evidentiary Privilege

Under the act, the obligations imposed on controllers or processors do not apply if doing so would make them violate state evidentiary privilege. The act should not be construed to prevent a controller or processor from providing personal data about a consumer to a person covered by state evidentiary privilege laws as a privileged communication.

Third-Party Liability

Under the act, controllers or processors that disclose personal data to a third party under the act's requirements are not responsible for violations by them.

At the time of disclosure, the original controllers or processors must not have had actual knowledge that the recipient would violate the act. A third-party controller or processor receiving personal data from a controller or processor in compliance with the act is also not in violation for the controller's or processor's transgressions.

First Amendment Rights

The act states that its provisions are not to be construed to: (1) impose an obligation on a controller or processor that adversely affects 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 (CGS § 52-146t). It also does not affect a person processing personal data for a purely personal or household activity.

Limitations on Processing Personal Data

Under the act, controllers may process data to the extent the processing is (1) reasonably necessary and proportionate to the purposes listed above (e.g., for internal research or product recall) and (2) adequate, relevant, and limited to what is needed for the specific listed purpose. When applicable, personal data collected, used, or retained must consider the nature and purposes of these actions. The data must be subject to reasonable administrative, technical, and physical measures to protect its confidentiality, integrity, and accessibility and to reduce reasonably foreseeable risks of harm to consumers related to its collection, use, or retention.

Under the act, if a controller processes personal data for a specified purpose through one of the exemptions listed above, the controller bears the burden of showing that the processing (1) qualifies for an exemption under the act and (2) complies with the act's requirements for processing personal data.

The act specifies that processing personal data for the purposes expressly identified in this provision does not, on its own, make an entity a controller.

§ 11 — ATTORNEY GENERAL POWERS

Exclusive Authority

Under the act and with certain exceptions, the attorney general has exclusive authority to enforce the act's provisions. The act establishes a grace period through December 31, 2024, during which the attorney general must give violators an opportunity to cure any violations. Beginning January 1, 2025, the act gives the attorney general discretion over whether to provide an opportunity to correct an alleged violation.

The act specifies that none of its provisions should 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.

Under the act, 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.

Notice of and Opportunity to Correct Violations

From July 1, 2023, to December 31, 2024, the act requires the attorney general, before initiating any action for a violation of the act's provisions, to issue a notice of violation to the controller if he determines a cure is possible. If the controller fails to cure the violation within 60 days after receiving notice, the attorney general may bring an action.

Under the act, by February 1, 2024, the attorney general must submit a report to the General Law Committee disclosing:

1. the number of notices of violations he issued,
2. the nature of each violation,
3. the number of violations cured within the 60-day period, and
4. any other matters he deems relevant.

Violations After January 1, 2025

Beginning on January 1, 2025, the attorney general may, in determining whether to give a controller or processor the opportunity to cure an alleged violation, 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, and
5. whether the alleged violation was likely caused by human or technical error.

§ 12 — TASK FORCE

By September 1, 2022, the act requires the General Law Committee chairpersons to convene a task force to study:

1. information sharing among health care and social care providers and make recommendations to eliminate health disparities and inequities across sectors (as described in the Commission on Racial Equity and Public Health's authorizing statute);
2. algorithmic decision-making and make recommendations on properly using data to reduce bias in this decision-making;
3. possible legislation that would require an operator under COPPA to (a) upon a parent's request, delete a child's account and stop collecting, using, or maintaining, in retrievable form, the child's personal data on the operator's website or online service directed to children, and (b) provide parents with an accessible, reasonable, and verifiable means to make the request;
4. any means available to verify the age of a child who creates a social media account;
5. data colocation issues, including the act's impact on third parties that provide data storage and colocation services;
6. possible legislation that would expand the act's applicability to include additional individuals or groups; and
7. other data privacy topics.

The General Law chairpersons must serve as the task force's chairpersons and jointly appoint its members. The members must include representatives from business, academia, consumer advocacy groups, small and large companies, the attorney general's office, and attorneys with privacy law expertise. The General Law Committee's administrative staff must serve as the task force's administrative staff.

By January 1, 2023, the task force must submit a report on its findings and recommendations to the General Law Committee. The task force terminates when it submits the report or January 1, 2023, whichever is later.

PA 22-28—sHB 5146
General Law Committee

AN ACT CONCERNING FOOD DONATION

SUMMARY: This act requires insurers that deliver, issue, renew, amend, or continue a commercial risk insurance policy or rider in Connecticut covering canned or perishable (i.e., fresh, frozen, or refrigerated) food spoilage to provide coverage to the same extent for these same foods when donated by a supermarket or food relief organization (FRO). It prohibits a FRO or supermarket from claiming an otherwise allowable tax deduction or credit for donations in an amount equal to any insurance reimbursement it receives for the food.

The act also (1) expands existing law's criminal and civil liability protections for entities donating food to also cover FRO and supermarket donations and (2) creates a task force to study implementing an in-state supermarket food donation program.

Lastly, it makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022, except the task force provision is effective upon passage.

COVERED ENTITIES

Under the act, "supermarkets" are:

1. retail food stores with at least 3,500 square feet of retail space and
2. large discount department stores that (a) sell a complete line of grocery merchandise and continuously offer fresh produce and meats, poultry, seafood, nuts, and dairy products; (b) have a bakery; (c) sell prepared foods; and (d) either sell on-premises motor fuel or have an electric vehicle charging station or registered weighing and measuring device.

"FROs" are public or private entities, including community-based organizations, food banks, food pantries, and soup kitchens, that give free nutritional assistance to needy people in Connecticut on a nonprofit basis and in the ordinary course of business or operations.

LIABILITY PROTECTIONS

Existing law provides criminal and civil liability protection to anyone (including food growers, processors, distributors, and retailers) who donates food for use or distribution by nonprofits, political subdivisions of the state, or senior centers. It also protects nonprofits that distribute donated food for free or for a nominal fee to such entities. The immunity applies to claims related to the donated food's nature, age, condition, or packaging unless at the time of donation or distribution the donor or distributor knew, or had reasonable grounds to believe, that the food was adulterated (as defined in the state's Food, Drug, and Cosmetic Act) or unfit for human consumption.

The act specifically expands the covered entities to include FROs and supermarkets that donate canned or perishable food, but it also specifies that the immunity for these entities does not apply if they knew or had reasonable grounds to believe that state or local health officials embargoed the donated food or ordered it destroyed. (The federal Bill Emerson Good Samaritan Food Donation Act provides similar protection for most food donors and applies when states do not adopt stronger liability protections (42 U.S.C. § 1791).)

FOOD DONATION PROGRAM TASK FORCE

The act creates a 13-member task force to examine and make recommendations about establishing an in-state supermarket food donation program that (1) alleviates hunger, reduces food waste, and supports FROs' operations and (2) ensures that all food donated is safe and fit for human consumption.

The task force members are the agriculture, consumer protection, and public health commissioners, or their designees, and the following people:

1. a representative of supermarkets operating in Connecticut, appointed by the Senate majority leader;
2. a representative of class 3 or 4 food establishments (generally, operations that make and prepare hot food) operating in Connecticut, appointed by the House majority leader;
3. six representatives of FROs providing nutritional assistance in Connecticut, two each appointed by the House and Senate majority leaders and one each appointed by the House and Senate minority leaders; and
4. two members of the legislature, one each appointed by the House speaker and Senate president pro tempore.

The House speaker and Senate president pro tempore must select the task force chairpersons from among the members. The respective appointing authority fills any vacancies. The General Law Committee's administrative staff serve as the task force's staff.

The task force must submit its findings and recommendations to the General Law Committee by January 1, 2023. It terminates on that date or when it submits the report, whichever is later.

PA 22-56—sHB 5331
General Law Committee

AN ACT CONCERNING THE LIQUOR CONTROL ACT AND RELATED STATUTES

SUMMARY: This act makes various changes in the Liquor Control Act. Specifically, it does the following:

1. establishes a new festival permit for all manufacturers of alcoholic liquor (e.g., spirits, wine, and beer) and eliminates prior law's wine festival permits (§§ 1-5 & 10);
2. allows beer manufacturers and certain Connecticut craft cafe permittees to sell beer brewed in collaboration with another beer manufacturer (e.g., sharing a recipe or providing at least 49% of the ingredients or labor) (§§ 6 & 7); and
3. requires water pollution control authorities (WPCAs) to disregard the volume of water that beer manufacturer permittees consumed when establishing or revising sewer charges (§ 9).

The act also makes various technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the sewer charges provision is effective October 1, 2022, and applicable to assessment years beginning on or after that date.

§§ 1-5 & 10 — FESTIVAL PERMIT

The act replaces prior law's wine festival permits with a new festival permit for all alcoholic liquor manufacturers. The new permit allows a festival sponsor to organize and sponsor a festival in Connecticut by inviting eligible manufacturers to participate for up to four consecutive days. But the act also allows a municipality to prohibit festivals by ordinance or zoning regulation. The fee for a festival permit is $75, which was the same fee under prior law for wine festival permits.

Under the act, a "festival sponsor" is an entity operating on a nonprofit basis in this state, including (1) an association, or its subsidiary, that promotes manufacturing and selling alcoholic liquor in Connecticut; (2) a civic organization; and (3) a Connecticut municipality. "Eligible manufacturers" are the holders of manufacturer permits for spirits; beer; a farm winery; or wine, cider, and mead.

Fire and Zoning

The act prohibits the Department of Consumer Protection (DCP) commissioner from issuing a permit unless the festival sponsor has the approvals required under local fire and zoning regulations.

Disclosures

The act requires the festival sponsor to disclose all restrictions or limitations for admission to each person who purchases admission. The disclosure must occur at the time of purchase and include the maximum number of alcoholic drinks to which the person is entitled.

Sales and Shipping

The act allows any eligible manufacturer to participate in a festival organized and sponsored by a festival sponsor that invites it to participate. During the festival, the manufacturers may offer free or paid samples or tastings of alcoholic liquor for consumption on the festival premises, subject to their applicable permit limitations (e.g., up to two ounces of spirits per patron per day). Also, unless the manufacturer is an out-of-state shipper's permittee for beer, it may:

1. sell and directly ship alcoholic liquor to festival visitors that the manufacturer sells to them 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.

The act prohibits eligible manufacturers from giving, offering, or selling any alcoholic liquor that the manufacturer did not manufacture.

Municipal Options

The act allows municipalities to prohibit these festivals by ordinance or zoning regulation. It similarly allows their ordinances or zoning regulations to require that festival sponsors ensure that:

1. restrooms or enclosed portable toilets are available either on or near the festival premises and
2. food is available for consumption on the festival premises during all operating hours; but no ordinance or zoning regulation may require a food purchase with an alcoholic beverage.

The act also allows municipalities, by vote of a town meeting or by ordinance, to reduce the number of hours when retail sales, tastings, or samples may occur (see *Hours*, below).

Placarding and Remonstrance

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. Additionally, any 10 individuals who are at least age 18 may file a remonstrance (i.e., protest) with DCP about an applicant's suitability or proposed location, and DCP must then hold a hearing. The act exempts festival sponsors and festival permittees from (1) notice and placard requirements and (2) remonstrances.

Holding Two Permits

The act also allows a festival permittee to be a holder or backer of one or more other classes of permits. By law, permittees of one class are not allowed to be a permittee of another class unless an exception is made (CGS § 30-48(a)).

Hours

The act sets the hours that a festival permittee may sell or provide samples or tastings as follows: 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.

§§ 6 & 7 — COLLABORATIVE BEER

The act allows a manufacturer permittee for beer, or a Connecticut craft cafe permittee who is also a manufacturer permittee for beer, to sell at retail beer brewed in collaboration with another beer manufacturer for on- or off-premises consumption. Craft cafe permittees may do so only if they sell one brand of the beer from their premises at a time.

Under the act, "collaboration" is an arrangement, other than contract brewing or an alternating proprietorship, where a beer manufacturer works with at least one other beer manufacturer by, among other things, sharing the beer recipe or at least 49% of the ingredients or labor needed to manufacture the beer.

Prior law generally prohibited Connecticut craft cafe permittees from purchasing the same type of alcoholic liquor they manufacture. The act allows these permittees that also hold a manufacturer beer permit to purchase the beer they manufacture in collaboration with another beer manufacturer permittee from that permittee. But, as under existing law, the beer cannot be more than 20% of the craft cafe permittee's gross annual sales for on-premises consumption.

§ 9 — WPCA CHARGES

By law, a WPCA may establish and revise fair and reasonable charges for connecting with and using a sewerage system. When setting these charges for assessment years beginning on or after October 1, 2022, the act prohibits WPCAs from considering the volume of water consumed by holders of manufacturer permits for beer.

By law and unchanged by the act, WPCAs may consider other factors related to the kind, quality, and extent of use of properties when setting these charges (e.g., building size, number of plumbing fixtures and people using the property, and quality and character of discharge material). A WPCA may also have minimum charges to connect with and use a sewerage system.

PA 22-70—sHB 5148
General Law Committee

AN ACT CONCERNING SELF-SERVICE STORAGE FACILITIES AND REVISIONS TO CERTAIN STATUTES CONCERNING CONSUMER PROTECTION

SUMMARY: By law, a self-service storage facility owner has a lien on any personal property left in the facility by an occupant (i.e., renter) who defaults on a rental agreement. Before selling or disposing of the property, the facility owner must follow certain procedures for, among other things, notifying the defaulting renter and advertising the sale.

This act makes several changes to the self-storage facility lien process, including adjusting notice requirements and allowing facility owners to (1) have motor vehicles, vessels, or trailers towed from their facilities under certain circumstances; (2) advertise the sale or disposition of a defaulting renter's personal property in additional publications and on certain auction websites; and (3) sell this property online.

The act also makes various minor, technical, and conforming changes in the consumer protection statutes.

EFFECTIVE DATE: October 1, 2022, except the storage lien provisions and a home improvement contractor technical change (§ 6) are effective July 1, 2022.

TOWING OF MOTOR VEHICLES, VESSELS, OR TRAILERS

The act allows self-storage facility owners to have motor vehicles, vessels, or trailers towed from the facility by an insured towing service if rent, labor, or other valid charges related to the property are unpaid or unsatisfied for at least 60 days.

If the facility owner complies with this provision, then he or she does not need to comply with existing law's lien notice requirements that apply specifically to motor vehicles and vessels (e.g., providing notice to the Department of Motor Vehicles or Secretary of the State (SOTS), as applicable, and following other specified procedures).

LIEN NOTICE REQUIREMENTS

Existing law, unchanged by the act, requires a facility owner to give a defaulting renter written notice of his or her intention to satisfy a lien (i.e., sell the renter's property). Prior law required owners to also notify anyone who filed a valid security interest in the property with SOTS. The act limits this notice requirement to individuals who filed a valid security interest in the renter's name.

By law, this required notice must be (1) delivered in person or (2) sent by e-mail or registered or certified mail to the renter's last-known address. The act eliminates prior law's requirement that a notice sent by registered or certified mail have a return receipt request and instead requires it to have a unique U.S. Postal Service tracking number.

Under existing law, the notice must contain the following information:

1. an itemized statement of the owner's claim showing the amount due at the time of the notice and when it became due;
2. a description of the personal property subject to the lien sufficient to identify it (except the description of certain containers that cannot immediately be accessed need not include their contents);
3. a notice denying the renter access to the personal property (including the owner's contact information), if the denial is allowed under the rental agreement terms;
4. a payment deadline that cannot be sooner than 14 days after notice delivery;
5. a conspicuous statement that unless the debt is paid within 60 days after default, the owner will advertise the property and sell or dispose of it; and
6. the time and place of the sale or disposition.

The act additionally requires that (1) this notice is written in plain language and formatted simply, (2) the payment deadline is clearly visible, and (3) the sale or disposition information include the date when it will take place.

ONLINE SALES OF DEFAULTING RENTERS' PROPERTY

The act allows the sale or other disposition of an occupant's personal property to be held online. Prior law required sales to be held at the self-storage facility or the nearest suitable place convenient to where the property is stored.

ADVERTISING OF SALES

The act expands the ways a facility owner may advertise the sale or disposition of a defaulting renter's personal property and reduces how often the advertisement must be published, from twice to once. Prior law allowed an owner to advertise in a newspaper of substantial circulation in the municipality where his or her facility is located. The act instead allows these advertisements to be either in print or online newspapers and decreases the required readership threshold to "general circulation." Additionally, the act allows owners to advertise on any publicly accessible, independent website that regularly conducts online personal property auctions.

The act also eliminates a requirement under prior law that an advertisement be posted at least 10 days before the sale or disposition in at least six conspicuous places in the neighborhood where the facility is located if there is no newspaper of substantial circulation where the facility is located.

PA 22-103—sHB 5329
General Law Committee

AN ACT CONCERNING CANNABIS

SUMMARY: This act makes several changes in the law governing the regulation and licensing of adult use (recreational) cannabis. It does the following:

1. explicitly prohibits gifting, selling, or transferring cannabis under certain circumstances and establishes penalties for violating the bans (§§ 2-4);
2. allows a licensed cultivator to create up to two equity joint ventures, which must be approved by the Social Equity Council and licensed by DCP (§ 5);
3. sets a deadline of 14 months from when DCP approved the expansion or conversion for certain producers or dispensary facilities to create the needed equity joint ventures (two for producers and one for dispensary facilities) before being liable for the full conversion fee (§§ 6 & 7);
4. prohibits the Social Equity Council from approving an equity joint venture applicant that shares any individual owner with another equity joint venture that meets the social equity applicant criteria (§ 21);
5. makes several changes to cannabis advertising, including (a) prohibiting out-of-state entities and individuals from advertising cannabis or related services, (b) limiting cannabis advertisements on electronic or illuminated billboards to between 11:00 p.m. and 6:00 a.m., and (c) exempting certain outdoor business signs at a cannabis establishment from certain signage requirements (§ 8);
6. eliminates the density cap that prohibits a municipality from granting zoning approval for more retailers or micro-cultivators, based on municipal population (§ 9);
7. establishes a working group to study regulating hemp and the possibility of including it in the state's cannabis program (§ 10); and
8. deems Social Equity Council members as having resigned if they miss three consecutive meetings or 50% of the meetings in a calendar year (§ 21).

Separately, the act extends to physician assistants (PAs) the ability to certify a patient for medical marijuana use (except for glaucoma) (§§ 11-14, 16 & 18-20). Beginning July 1, 2023, it also eliminates the fees for a qualifying patient or caregiver registration (currently $25) and administrative costs for issuing or renewing registrations (currently $75 for qualifying patients) (§§ 15 & 17).

EFFECTIVE DATE: Upon passage, except the provisions (1) extending medical marijuana certification authority to PAs are effective July 1, 2022, and (2) eliminating the medical marijuana fees are effective July 1, 2023.

§§ 2-4 — BAN ON CERTAIN GIFTS, SALES, AND TRANSFERS

Existing law allows consumers (i.e., people age 21 or older) to give cannabis to other consumers for free (i.e., without compensation or consideration) if the giver reasonably believes that the other person can have it without exceeding the Responsible and Equitable Regulation of Adult-Use Cannabis Act's possession limit (CGS § 21a-279d).

The act explicitly limits this allowance by prohibiting individuals from gifting, selling, or transferring cannabis to another person under the following circumstances:

1. to induce, or in exchange for, any donation for any purpose, including a charitable donation or a donation made to gain admission to an event;
2. at any location, other than a dispensary facility, retailer, or hybrid retailer, (a) where a consumer may purchase an

item other than cannabis, a cannabis product, or related services or (b) that requires consideration, including membership in a club, to gain admission to the location; or

3. as part of a giveaway associated with attendance at an event, including a door prize, goodie bag, or swag bag.

The act explicitly allows individuals with a bona fide social relationship to give cannabis to one another if it is done without consideration and is not associated with a commercial transaction.

Fines

In addition to any existing penalty, the act subjects anyone who violates this provision to the following fines and hearing:

1. a municipal fine the act allows to be locally adopted, which may be up to $1,000 per violation (§ 3);
2. a Department of Emergency Services and Public Protection (DESPP) fine of $1,000 per offense, payable by mail to the Centralized Infractions Bureau without appearing in court; and
3. an administrative hearing held by the Department of Revenue Services (DRS) commissioner for failing to pay taxes, which may result in a civil penalty of up to $1,000 per violation.

Under the act, "per offense" and "per violation" mean either per transaction or per day the violation continues, as the DESPP or DRS commissioner determines for the respective violation.

For the fines established by municipal ordinance, the act allows any police officer or other person the municipal chief executive officer authorizes to issue citations to violators. Municipalities that adopt this type of ordinance must also adopt a citation hearing procedure. Revenue from the municipal fines must be deposited into the municipality's general fund or in a designated special fund.

§§ 5-7 & 21 — EQUITY JOINT VENTURES

Cultivators (§ 5)

The act allows a licensed cultivator to create up to two equity joint ventures (i.e., businesses that are at least 50% owned and controlled by someone who meets social equity applicant income and residency criteria), subject to Social Equity Council approval and DCP licensing requirements. Each equity joint venture must be in any cannabis establishment business other than one with a cultivator license. By law, a "cannabis establishment" is a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (i.e., licensed to sell both recreational cannabis and medical marijuana), food and beverage manufacturer, product manufacturer or packager, delivery service, or transporter.

Application Procedure and Contents. Like existing law for equity joint ventures by producers and dispensary facilities, the act requires a licensed cultivator applying for an equity joint venture to submit to the council information that allows it to determine the venture's ownership terms. This includes the organizing documents outlining each backer's ownership stake, initial investment, and payout information. Cultivators may also need to include evidence of business formation, ownership allocation, ownership and financing terms, and proof of social equity status.

Upon receiving the council's written approval, the equity joint venture applicant must apply for a DCP license in the same form as required by other cultivators, except the application is not subject to the lottery. (By law, if there are more than the maximum number of applications, there is a lottery to identify applications for review.)

Ownership and Location Limits. The act prohibits a cultivator, including its backer, from increasing its ownership in an equity joint venture to more than 50% in the seven years after DCP issues the license. It also prohibits equity joint ventures that share a common cultivator or backer from being located within 20 miles of another commonly owned equity joint venture.

Financial Ratio. The act requires an equity joint venture applicant to pay 50% of any applicable licensing fees (the full fee is $25,000 for a provisional license and $75,000 for a license or renewal) for the first three renewals and then the full amount after that.

Producers and Dispensary Facilities (§§ 6 & 7)

Ownership. By law, producers seeking a license expansion and dispensary facilities seeking to convert to a hybrid retailer may pay reduced fees in exchange for creating a certain number of equity joint ventures (i.e., two for producers and one for dispensaries). Under prior law, these equity joint ventures had to have the social equity applicant own at least 50% of the business. The act instead requires that the (1) equity joint venture be at least 50% owned and controlled by an individual or individuals who meet the social equity applicant criteria or (2) equity joint venture applicant is an individual who meets the social equity applicant criteria.

By law, a social equity applicant is an individual who (1) had an average household income of less than 300% of the state median over the three tax years immediately before the application and (2) was a resident of a disproportionately impacted area for at least (a) five of the 10 immediately preceding years or (b) nine years before he or she turned age 18. It may also be a person (e.g., business entity) that is at least 65% owned and controlled by an individual or individuals who meet these criteria. A disproportionately impacted area is a census tract with a historical conviction rate for drug-related offenses or an unemployment rate greater than 10%.

Fee Deadline. Under prior law, if a producer or dispensary paid the reduced expansion or conversion fee but did not create the required equity joint ventures, it was liable for the full fee amount (i.e., $3 million for producers and $1 million for dispensary facilities). The act specifies that (1) ventures must be created and receive a final license within 14 months after DCP approves the license expansion or conversion and (2) the amount due is minus the paid reduced conversion fee.

Limitations. The act limits producers and dispensary facilities that receive approval to expand or convert to creating no more than two equity joint ventures. They may not apply for, or create, any additional equity joint ventures if, as of May 24, 2022, the producer or facility has at least two equity joint ventures that have received a provisional license.

Financial Ratio. The act requires an equity joint venture applicant to pay 50% of any applicable licensing fees for the first three renewal cycles and then the full amount after that. By law, the reduced conversion fee is $1.5 million for producers and $500,000 for dispensary facilities, with an annual renewal fee of $75,000 for the former and $25,000 for the latter (CGS § 21a-420e(d); Conn. Agencies Regs., § 21a-408-29).

Sharing Ownership (§ 21)

The act prohibits the Social Equity Council from approving any equity joint venture applicant that shares any individual owner with another equity joint venture that meets the social equity applicant criteria (see above).

§ 8 — ADVERTISEMENTS

The act prohibits out-of-state entities and individuals from advertising cannabis or related services in Connecticut. It does so by limiting those who can advertise cannabis to cannabis establishment licensees.

Billboards

Existing law, unchanged by the act, allows billboard advertisements for cannabis establishments only if there is reliable evidence that at least 90% of the audience is reasonably expected to be at least 21 years old. The act further limits billboard advertising by prohibiting electronic or illuminated billboard cannabis advertisements between 6:00 a.m. and 11:00 p.m.

Business Names and Logo Use

Existing law prohibits cannabis establishments from advertising cannabis or cannabis paraphernalia, goods, or services in a way that targets or is designed to appeal to those under age 21. The act specifies that this ban applies to the use of a business name or logo.

Plant Images

The act prohibits establishments from using any image or other visual representation of the cannabis plant or part of it, including the leaf, in displays or advertisements.

Additionally, the act prohibits displaying the image or visual representation if it is (1) clearly visible to someone from the outside of the facility used to operate the cannabis establishment or (2) used on the outside of the facility used to operate the cannabis establishment.

Minimum Distance From Certain Buildings

The act increases the minimum distance, from 500 to 1,500 feet, needed to advertise cannabis or cannabis products or paraphernalia in any physical form visible to the public from certain buildings (i.e., elementary or secondary school grounds, recreation centers or facilities, child care centers, playgrounds, public parks, and libraries). It also adds houses of worship to the list of buildings subject to this requirement. (PA 22-104, § 54, eliminates these changes and instead prohibits cannabis establishments from advertising on any billboard within 1,500 feet of the buildings listed above.)

Outdoor Sign Exemption

The act exempts 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 exemption applies to any outdoor sign (e.g., monument, pylon, or wayfinding sign) that meets the following criteria:

1. contains only the cannabis establishment's name and logo;
2. has (a) no image or other visual representation of the cannabis plant or part of it, including the leaf, and (b) no more than three colors; and
3. is located on (a) the cannabis establishment's premises, whether leased or owned, or (b) a commercial property occupied by multiple tenants, including the cannabis establishment.

Violation

As under existing advertising penalties, the act makes a violation of these advertising requirements an unfair trade practice (see BACKGROUND).

§ 9 — MUNICIPAL DENSITY CAP

The act eliminates density cap provisions that (1) until June 30, 2024, limited the number of retailers and micro-cultivators in proportion to municipal resident population and (2) after July 1, 2024, allowed the DCP commissioner to set a cap.

Under prior law, there was a cap of one retailer and one micro-cultivator for every 25,000 residents, as determined by the 2020 census, until June 30, 2024. Prior law then allowed the DCP commissioner to set a density cap. Municipalities were prohibited from granting zoning approval for more establishments than the respective caps.

§ 10 — HEMP WORKING GROUP

The act requires the General Law Committee chairpersons to convene a working group to study the following topics:

1. the regulation of hemp and its products and producers licensed in Connecticut and neighboring states;
2. how neighboring states integrated hemp and its products and producers into their recreational cannabis programs, statutes, and regulations; and
3. possible legislation to integrate hemp and its products and licensed producers into Connecticut's recreational cannabis statutes by allowing (a) licensees to convert their licenses to licenses under the recreational cannabis statutes and (b) hemp products, including cannabidiol, that these licensees produce to be sold in licensed cannabis dispensaries.

Membership and Meetings

The working group includes the General Law Committee chairpersons (who also serve as the working group's chairpersons); the DCP and agriculture commissioners, or their respective designees; and six legislative appointments, as shown in the following table.

Hemp Working Group Appointed Members

Appointing Authority	*Appointee Qualification*
House speaker	Connecticut Farm Bureau representative
Senate president pro tempore	Person who grows hemp in the state
House majority leader	Connecticut cannabis industry representative
Senate majority leader	Connecticut cannabis industry representative
House minority leader	Legislator representing rural districts
Senate minority leader	Legislator representing rural districts

All initial appointments must be made by June 23, 2022 (30 days after the act's passage), and appointing authorities must fill any vacancies. The chairpersons must schedule the group's first meeting, which must be held by July 23, 2022 (60

days after the act's passage).

Administration and Reporting

Under the act, the General Law Committee's administrative staff must serve as the working group's administrative staff. The working group must submit a report on its findings and recommendations to the General Law Committee by January 1, 2023. The group terminates when it submits the report or on January 1, 2023, whichever is later.

§§ 11-14, 16 & 18-20 — PHYSICIAN ASSISTANTS

The act extends to PAs the ability to certify a patient for medical marijuana use (except for patients whose debilitating medical condition is glaucoma). Existing law allows advanced practice registered nurses (APRNs) and physicians to certify patients (but only physicians can certify glaucoma patients).

Among other things, the act allows PAs to do the following:

1. diagnose a patient's qualifying debilitating condition;
2. issue a written certification, for up to one year, for a patient to use medical marijuana after (a) completing a medically reasonable assessment of the patient's medical history and condition; (b) making the diagnosis that the palliative use of marijuana would likely outweigh the health risks; and (c) explaining the potential risks and benefits to the patient and parent or guardian of a patient lacking legal capacity;
3. until June 30, 2023, certify a qualifying patient's use of medical marijuana and provide follow-up care using telehealth if the patient complies with other certification and recordkeeping requirements; and
4. possess and supply marijuana to treat side effects of chemotherapy, if licensed to do so by the DCP commissioner.

The act extends to PAs the same protections from civil, criminal, and disciplinary liability that already apply to physicians and APRNs under the medical marijuana law. As is the case for physicians and APRNs, the act prohibits PAs from having a financial interest in any cannabis establishment, except retailers and delivery services.

§ 21 — SOCIAL EQUITY COUNCIL

The act sets attendance requirements for Social Equity Council members. Any member who fails to attend three consecutive meetings after May 24, 2022, or who fails to attend at least 50% of all meetings in any calendar year beginning on and after January 1, 2023, is deemed to have resigned from office.

Under the act, the appointing authority must (1) fill the vacancy for the unexpired term of any member deemed to have resigned under this provision and (2) use best efforts to ensure the appointment reflects the racial, gender, and geographic diversity of the state's population.

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

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

PA 22-104—sHB 5330
General Law Committee

AN ACT CONCERNING CANNABIS ADVERTISING AND THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE CONSUMER PROTECTION STATUTES

TABLE OF CONTENTS:

§ 1 — CASE BOTTLE QUANTITIES

Expands the number of bottles allowed in a case of alcoholic liquor

§§ 1, 8, 16-19 & 21 — BOATS

Eliminates the provision allowing prior boat permittees to be deemed in compliance with the cafe permit and grants an in-state transporter's permit the same rights and privileges under prior law for those cafe permits

§§ 2 & 23 — RELIGIOUS WINE RETAILER PERMIT

Establishes a religious wine retailer permit that allows permittees to make retail sales of sacramental wine to religious organizations

§ 3 — IN-STATE TRANSPORTER PERMIT FOR ALCOHOLIC LIQUOR

Allows an in-state transporter's permittee to have one permit to cover all its boats and vehicles under common control, direction, or management

§§ 4, 5 & 7 — CURBSIDE PICKUP OF ALCOHOLIC LIQUOR

Allows package store and grocery store beer permittees to offer curbside pick-up of previously purchased alcoholic liquor

§§ 6, 9-10 & 12 — TECHNICAL CHANGES

Makes various technical changes

§§ 8 & 25 — THIRD-PARTY FOOD DELIVERY

Allows third-party food delivery to satisfy the requirement that cafe and Connecticut craft cafe permittees keep food available for sale

§ 8 — CAFE PERMITS IN AIRPORTS

Allows additional airports to receive cafe permits for on-premises alcohol sales

§§ 11, 13-16, 20 & 23 — CLUB AND NONPROFIT CLUB PERMITS

Makes various minor, technical, and conforming changes to implement changes from PA 21-10 that reestablished the club and nonprofit club permits; until June 5, 2024, allows these permittees to sell and deliver alcoholic liquor for off-premises consumption subject to specified conditions

§§ 17 & 26 — PLACARDING EXEMPTIONS

Exempts from certain notification and placarding requirements (1) off-site farm winery sales and wine, cider, and mead tasting permits; (2) out-of-state retailer shipper's permits for wine; (3) out-of-state winery shipper's permits for wine; (4) in-state transporter's permits; and (5) seasonal outdoor open-air permits

§ 17 — BUILDING, FIRE, ZONING, AND HOUR EXEMPTION

Expands the exemption for providing proof that certain local requirements will be met

§ 18 — EXEMPTION TO THE MANDATORY REFUSAL OF PERMITS FOR CERTAIN INDIVIDUALS

Expands the list of cafe permits that are excluded from the mandatory liquor permit refusal law

§ 19 — HOLDING TWO PERMITS

Allows a backer or permittee of an airline permit or an in-state transporter's permit for a boat to be a backer or permittee of another permit class

§ 22 — AIRLINE PERMITS

Exempts airline permittees from having their permit or a duplicate framed and hung in plain view

§ 24 — RESTAURANT SPACE

Specifies that a dining room must have at least 400 square feet of dining space and seating for 20 individuals when there is no effective separation

§ 27 — PROVISIONAL PERMIT FEES NONREFUNDABLE

Requires a provisional permit application to be sworn rather than affirmed and makes the 90-day provisional permit fee nonrefundable

§ 28 — MINORS EMPLOYED IN CAFES

Specifically allows minors (under age 21) to be employed in any premises with a cafe permit

§ 29 — MINORS IN BARROOM

Allows unaccompanied minors to wait and consume food on a permit premises in a barroom without effective separation

§ 30 — DISCLOSURE OF IDENTIFYING INFORMATION

Generally extends existing law's protections against the public disclosure of identifying information to information collected under the state's medical marijuana and controlled substance registration laws

§ 31 — AUTOMATED PRESCRIPTION DISPENSING MACHINES

Expands the definition of "long-term care pharmacy" to allow registered non-resident pharmacies to use automated prescription dispensing machines in nursing homes and other supervised residential facilities

§ 32 — ELECTRONIC ORDERS FOR CONTROLLED SUBSTANCES

Authorizes manufacturers and wholesalers to accept electronic orders for schedule II controlled substances

§ 33 — TRANSFERS DURING EMERGENCIES

During a declared emergency, authorizes pharmacies and other registrants to transfer a medical device to another pharmacy, registrant, or DCP-approved location

§§ 34 & 35 — GET ONE FREE

Specifies that in instances when a retailer fails to redeem a coupon or remove a limited time reduced price sign, the retailer must give the consumer the product at the reduced price rather than for free

§ 36 — CARD SURCHARGE PROHIBITION

Makes various changes to the prohibition on credit card surcharges, including (1) exempting certain governmental agencies, (2) requiring additional disclosures when there is a minimum transaction amount or cash discount offer, and (3) deeming violations under the act to be CUTPA violations and allowing the DCP commissioner to assess additional penalties

§ 37 — INVOICES AND WORK ORDERS FOR WORK ON A PRIVATE RESIDENCE

Requires licensed tradespeople and businesses performing work on private residences to include certain information in invoices or work orders for completed work and services

§§ 38-41 — CONSUMER HEATING FUEL DEALERS

Expands the prohibition against consumer heating fuel dealers denying fuel deliveries while a consumer complaint before DCP is pending by extending it to deliveries (1) year-round and (2) for fuel for cooking or power generation

§ 42 — CONTINUING EDUCATION FOR ELECTRICIANS AND PLUMBERS

Authorizes electricians and plumbers to take required continuing education online and establishes additional continuing education requirements (e.g., class size and location)

§ 43 — APPRAISAL MANAGEMENT COMPANIES (AMC)

Makes a minor change to address a federal audit of the AMC laws

§§ 44-45 & 47 — HOMEMAKER-COMPANION AGENCIES

Generally prohibits anyone associated with a homemaker-companion agency, other than a client's immediate family member, from serving as the client's agent under a power of attorney

§ 46 — CONTRACTS FOR WORK ON PRIVATE RESIDENCES

Eliminates a requirement that contracts for work on private residential property by licensed tradespeople be in writing; requires written contracts to be provided to the property owner when they are executed or amended; specifies the conditions under which a property owner can cancel a contract for emergency repairs

§ 48 — CONTINUING EDUCATION DEADLINE FOR ACCOUNTANTS

Makes a conforming change to reflect a law that generally requires public accountants to complete their continuing education by June 30

§§ 49-53 & 55 — FOOD WAREHOUSES, BAKERIES, AND FOOD MANUFACTURING ESTABLISHMENTS

Makes various minor and conforming changes to generally subject food warehouses, bakeries, and food manufacturing establishments to the same laws; eliminates the requirement that applicants obtain a certificate of zoning approval if the proposed use conforms to existing zoning requirements; expands DCP's authority to issue regulations

§ 54 — CANNABIS ADVERTISING

Eliminates the increase, under PA 22-103, § 8, in the minimum distance required for certain cannabis advertisements from certain buildings; instead prohibits billboard advertising within 1,500 feet of these same buildings and houses of worship

SUMMARY: This act makes various changes in the DCP statutes, including the following:

1. making various changes in the Liquor Control Act, including establishing a religious wine retailer permit; allowing certain curbside alcohol pickup; and making certain minor, technical, and conforming changes (§§ 1-29);
2. generally extending protections against the public disclosure of identifying information to information collected under the state's medical marijuana and controlled substance registration laws (§ 30);
3. making various changes in the pharmacy and controlled substances laws, including (a) allowing DCP-registered, non-resident pharmacies to use automated prescription dispensing machines in nursing homes and (b) authorizing controlled substances manufacturers and wholesalers to accept electronic orders for schedule II controlled substances (§§ 30-33);
4. specifying that retailers must give the consumer a product at the reduced price rather than for free in certain circumstances (e.g., failing to redeem a coupon or remove a sign for a sale) (§§ 34 & 35);
5. making various changes to the prohibition on credit card surcharges, including exempting certain governmental agencies, and requiring additional disclosures (§ 36);
6. making various changes in the laws governing licensed tradespeople, including requiring them to include certain information in invoices or work orders when working on private residences (§§ 37, 42, 46 & 48);
7. expanding the prohibition against consumer heating fuel dealers denying fuel deliveries while a consumer complaint is pending before DCP (§ 39);
8. generally prohibiting anyone associated with a homemaker-companion agency, other than a client's immediate family member, from serving as the client's agent under a power of attorney (§ 45);
9. generally subjecting food warehouses, bakeries, and food manufacturing establishments to the same laws (§§ 49-53 & 55); and
10. eliminating the increase, under PA 22-103, in the minimum distance required for certain cannabis advertisements from certain buildings and instead prohibiting billboard advertising within 1,500 feet of these same buildings and houses of worship (§ 54).

EFFECTIVE DATE: Upon passage, except the provisions on tradespeople's invoices or work orders (§ 37) are effective July 1, 2022.

§ 1 — CASE BOTTLE QUANTITIES

Expands the number of bottles allowed in a case of alcoholic liquor

Existing law establishes the number of bottles generally allowed in a case of alcoholic liquor (other than beer, cocktails, cordials, prepared mixed drinks, and wines). The act expands the allowable numbers of bottles to include those shown in the following table.

Additional Case Bottle Quantities Allowed Under the Act

Quantity	*Bottle Size (mL)*
6	1,800
12	700
12	720
12	900

§§ 1, 8, 16-19 & 21 — BOATS

Eliminates the provision allowing prior boat permittees to be deemed in compliance with the cafe permit and grants an in-state transporter's permit the same rights and privileges under prior law for those cafe permits

PA 19-24 combined various permits for on-premises alcohol consumption into the cafe permit, including the boat permit. PA 21-11 allowed an in-state transporter's permittee for alcoholic liquor, with DCP approval, to sell and serve alcoholic liquor (e.g., beer, wine, and spirits) for consumption on boats hired to transport passengers. The act eliminates the provision allowing prior boat permittees to be deemed in compliance with the cafe permit and instead provides boats operating under an in-state transporter's permit the same rights and privileges under prior law for those cafe permits.

The act defines "boat" as any vessel that (1) operates on any Connecticut waterway and (2) engages in transporting passengers for hire to or from any Connecticut port.

§§ 2 & 23 — RELIGIOUS WINE RETAILER PERMIT

Establishes a religious wine retailer permit that allows permittees to make retail sales of sacramental wine to religious organizations

The act establishes a religious wine retailer permit, which allows the holder to import and sell at retail sacramental wine to religious organizations. Under the act, "sacramental wine" is wine used exclusively for religious or sacramental purposes and exempt from state alcoholic beverages tax under state regulations (Conn. Agencies Regs., § 12-449-9a). A "religious organization" is (1) any religious corporation, society, or organization formed or recognized under state law (chapter 598) or (2) any religious organization that is exempt from the state alcoholic beverages tax.

The sacramental wine must not be consumed on the permit premises, and any wine sale must only take place during permissible hours (i.e., Monday through Saturday from 8:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 6:00 p.m.). Permittees cannot sell or dispense alcohol on Thanksgiving Day, New Year's Day, or Christmas Day.

The act requires the permittee to operate at least one retail location in Connecticut, be primarily engaged in the business of selling religious supplies that do not contain alcohol, and not hold any other alcoholic liquor permit. The annual fee for a religious wine retail permit is $250.

Under the act, a permittee may purchase sacramental wine directly from a manufacturer, out-of-state shipper, or wholesaler. All wine shipments must be conspicuously labeled: "for sacramental or religious purposes only." If the permittee imports a supply of any sacramental wine brand directly into the state from a manufacturer or out-of-state shipper, the brand does not need to comply with state registration and price filing requirements.

§ 3 — IN-STATE TRANSPORTER PERMIT FOR ALCOHOLIC LIQUOR

Allows an in-state transporter's permittee to have one permit to cover all its boats and vehicles under common control, direction, or management

PA 21-11 allowed an in-state transporter's permittee for alcoholic liquor, with DCP approval, to sell and serve alcoholic liquor for consumption on boats hired to transport passengers and motor vehicles in livery services (e.g., limousines). Under existing law, one permit covers all boats and vehicles under common ownership. The act expands this provision to also

allow one permit to cover boats and vehicles under common control, direction, or management.

§§ 4, 5 & 7 — CURBSIDE PICKUP OF ALCOHOLIC LIQUOR

Allows package store and grocery store beer permittees to offer curbside pick-up of previously purchased alcoholic liquor

The act allows package store and grocery store beer permittees to offer curbside pick-up of previously purchased alcoholic liquor (e.g., spirits, wine, and beer) by (1) the consumer who purchased the alcoholic liquor or (2) an in-state transporter's permittee or his or her agent. The curbside pick-up must be limited to the space immediately adjacent to, or in the parking lot abutting, the permit premises. The permittees may allow the curbside pick-up during the hours a package store or grocery store is allowed to sell alcoholic liquor unless a more restrictive municipal ordinance limits the pick-up hours. The act explicitly excludes curbside pick-ups from provisions in existing law that prohibit drive-up sales of alcoholic liquor.

§§ 6, 9-10 & 12 — TECHNICAL CHANGES

Makes various technical changes

The act makes various technical changes.

§§ 8 & 25 — THIRD-PARTY FOOD DELIVERY

Allows third-party food delivery to satisfy the requirement that cafe and Connecticut craft cafe permittees keep food available for sale

By law, cafe and Connecticut craft cafe permittees must keep food available for sale for the majority of the hours they are open. This may include food from outside vendors located on or near the premises. The act allows food delivery through a third party to satisfy the food requirement.

§ 8 — CAFE PERMITS IN AIRPORTS

Allows additional airports to receive cafe permits for on-premises alcohol sales

The act allows cafe permits to be issued in any airport rather than just in Bradley International Airport. As under existing law, the location must be in a passenger terminal complex, or adjacent to the complex and attached by a common partition that is open to the public or airline club members or their guests, with or without food sales.

§§ 11, 13-16, 20 & 23 — CLUB AND NONPROFIT CLUB PERMITS

Makes various minor, technical, and conforming changes to implement changes from PA 21-10 that reestablished the club and nonprofit club permits; until June 5, 2024, allows these permittees to sell and deliver alcoholic liquor for off-premises consumption subject to specified conditions

Technical and Conforming Changes

PA 21-10 reestablished the club and nonprofit club alcoholic liquor permits and eliminated prior provisions that allowed these permittees to receive a cafe permit. PA 19-24 combined various permits for on-premises alcohol consumption into the cafe permit, including the club and nonprofit club permits. The act makes various minor, technical, and conforming changes to implement the changes from both acts.

Off-Premises Consumption Sales and Deliveries

Existing law allows manufacturers, hotels, restaurants, and certain cafe permittees to sell and deliver sealed alcoholic liquor (e.g., beer, wine, or spirits) until June 5, 2024, for off-premises consumption. The act extends this same authorization to club and nonprofit permittees, subject to the same conditions that apply to these other permittees under existing law. This

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. any container 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's 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).

§§ 17 & 26 — PLACARDING EXEMPTIONS

Exempts from certain notification and placarding requirements (1) off-site farm winery sales and wine, cider, and mead tasting permits; (2) out-of-state retailer shipper's permits for wine; (3) out-of-state winery shipper's permits for wine; (4) in-state transporter's permits; and (5) seasonal outdoor open-air permits

By law, liquor permit applicants are generally required to 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. The act exempts applicants for the following permits from these placarding requirements for both new permits and renewals: off-site farm winery sales and wine, cider, and mead tasting permits; out-of-state retailer shipper's permits for wine; out-of-state winery shipper's permits for wine; in-state transporter's permits, including boats operating under this permit; and seasonal outdoor open-air permits.

§ 17 — BUILDING, FIRE, ZONING, AND HOUR EXEMPTION

Expands the exemption for providing proof that certain local requirements will be met

By law, liquor applicants are generally required to submit documents sufficient to establish that state and local building, fire, and zoning requirements and local ordinances governing hours and days of sale will be met. Existing law exempts prior airport permits deemed in compliance with a cafe permit from these requirements. The act expands the exemption to prior railroad permittees deemed in compliance with a cafe permit.

§ 18 — EXEMPTION TO THE MANDATORY REFUSAL OF PERMITS FOR CERTAIN INDIVIDUALS

Expands the list of cafe permits that are excluded from the mandatory liquor permit refusal law

Existing law generally requires DCP to refuse liquor permits to certain individuals (e.g., state marshals and judges) except for specified permit types (e.g., out-of-state shipper's and airline permits). The act expands the list of exempted permits to include all cafe permits, rather than just cafe permits for special outing facilities.

§ 19 — HOLDING TWO PERMITS

Allows a backer or permittee of an airline permit or an in-state transporter's permit for a boat to be a backer or permittee of another permit class

By law, with certain exceptions, permittees of one class are not allowed to be a permittee of another class (CGS § 30-48(a)).

The act allows backers and permittees for airline permits and boats operating under in-state transporter's permits to be a holder or backer of one or more other classes of permits. It also allows in-state transporter's permittees to hold a seasonal outdoor open-air permit.

§ 22 — AIRLINE PERMITS

Exempts airline permittees from having their permit or a duplicate framed and hung in plain view

The act exempts airline permittees from having their permit or a duplicate framed and hung in plain view in a

conspicuous place in any room where sales are allowed and carried on. By law, an airline permit allows airlines to sell or dispense alcohol for consumption to passengers while in transit on any aircraft that is operated regularly (CGS § 30-28a).

§ 24 — RESTAURANT SPACE

Specifies that a dining room must have at least 400 square feet of dining space and seating for 20 individuals when there is no effective separation

The act specifies that, for purposes of a restaurant permit, a dining room must have at least 400 square feet of dining space and seating for 20 individuals in the dining room, even if the space has no effective separation between the barroom and dining room. By regulation, restaurants are already required to have this square footage and seating capacity (Conn. Agencies Regs., § 30-6-B28).

§ 27 — PROVISIONAL PERMIT FEES NONREFUNDABLE

Requires a provisional permit application to be sworn rather than affirmed and makes the 90-day provisional permit fee nonrefundable

Under prior law, DCP or the Liquor Control Commission could issue a 90-day provisional permit to an applicant or backer who has, among other things, submitted an affirmed application. The act instead requires the applicant to make a sworn application. The act also makes the provisional permit's $500 fee nonrefundable.

§ 28 — MINORS EMPLOYED IN CAFES

Specifically allows minors (under age 21) to be employed in any premises with a cafe permit

The law generally allows anyone over age 16 to be employed by an alcoholic liquor permittee; however, individuals must be at least age 18 to serve or sell alcohol (CGS § 30-90a). Prior cafe permit laws prohibited minors (under age 21) from being employed in any capacity on any premises operating under a cafe permit. The act eliminates this prohibition, specifically allowing minors to be employed on a cafe permit's premises, subject to the age and liquor handling restrictions that generally apply to alcoholic liquor permittees.

§ 29 — MINORS IN BARROOM

Allows unaccompanied minors to wait and consume food on a permit premises in a barroom without effective separation

Prior law prohibited unaccompanied minors (under age 21) from sitting or standing at a bar in a (1) barroom that consists of only one room or (2) premises without effective separation between the barroom and dining room. The act allows such unaccompanied minors to remain in such premises while waiting for and consuming food prepared on the permit premises.

§ 30 — DISCLOSURE OF IDENTIFYING INFORMATION

Generally extends existing law's protections against the public disclosure of identifying information to information collected under the state's medical marijuana and controlled substance registration laws

The act extends, to information collected under the state's medical marijuana and controlled substance registration laws (e.g., filings and inspection reports), a law that generally prohibits DCP, the Pharmacy Commission, and the Department of Public Health from publicly disclosing information that identifies individuals or institutions. Under existing law, exceptions include disclosure (1) during a proceeding involving licensure or the right to practice and (2) that the DCP commissioner deems to be in the interest of public health.

§ 31 — AUTOMATED PRESCRIPTION DISPENSING MACHINES

Expands the definition of "long-term care pharmacy" to allow registered non-resident pharmacies to use automated prescription dispensing machines in nursing homes and other supervised residential facilities

The act broadens an authorization to use automated prescription dispensing machines by expanding the statutory definition of a "long-term care pharmacy" to include DCP-registered non-resident pharmacies. In doing so, it allows these non-resident pharmacies to use automated prescription dispensing machines in nursing homes, residential care homes, and other supervised residential facilities.

Automated prescription dispensing machines are pharmacy-operated machines and associated software through which the operators, based on a verified prescription, package and label patient-specific medications that are dispensed by the machine. By law, a registered nurse or a licensed practical nurse must administer the dispensed medication packets.

§ 32 — ELECTRONIC ORDERS FOR CONTROLLED SUBSTANCES

Authorizes manufacturers and wholesalers to accept electronic orders for schedule II controlled substances

Consistent with federal law, the act authorizes controlled substances manufacturers and wholesalers to accept electronic orders for schedule II controlled substances submitted through the Drug Enforcement Agency's Controlled Substance Ordering System. Prior state law only permitted manufacturers and wholesalers to accept written orders for schedule II drugs.

The act correspondingly eliminates a requirement that an order for a schedule I or II drug be in writing and signed in triplicate. (Federal rules similarly eliminated the triplicate form system in 2021.)

§ 33 — TRANSFERS DURING EMERGENCIES

During a declared emergency, authorizes pharmacies and other registrants to transfer a medical device to another pharmacy, registrant, or DCP-approved location

As is already the law for drugs and controlled drugs during a declared emergency, the act authorizes pharmacies and other controlled substances registrants to transfer a medical device, if permissible under federal law and with prior DCP commissioner approval, to (1) another pharmacy or registrant or (2) another location the commissioner authorizes. Registrants must accurately record the transfer as state and federal law require and report it in writing to the DCP commissioner. The act's authorization applies to emergencies declared by the governor or his authorized representative.

The act defines medical devices as apparatuses, contrivances, and instruments, including their accessories, components, and parts, intended (1) for curing, diagnosing, mitigating, preventing, or treating a human or animal disease or (2) to affect the structure or function of the human or an animal body.

§§ 34 & 35 — GET ONE FREE

Specifies that in instances when a retailer fails to redeem a coupon or remove a limited time reduced price sign, the retailer must give the consumer the product at the reduced price rather than for free

By law, consumers are generally entitled to receive an item for free, up to a $20 value, if the (1) electronically scanned price is higher than the posted price or (2) price at the point of sale is higher than the advertised or posted price. Consistent with agency practice, the act specifies that in instances where a person, association, corporation, firm, or partnership (i.e., retailer) fails to redeem a digital or paper coupon or remove a limited time reduced price sign, the retailer must give the consumer the item (including fruits or vegetables weighed at point of sale) at the reduced price rather than free of cost.

Under the act, if a retailer fails to redeem a coupon, the retailer must give the consumer a refund equal to the coupon's value. In cases where a retailer fails to remove a limited time reduced price sign, the retailer must give the reduced price to consumers if the sign is next to the consumer commodity, even if the time period for the reduced price has expired.

As under existing law, these provisions apply only to stores with retail sales areas of more than 10,000 square feet. The DCP commissioner, after providing notice and conducting a hearing, may issue violators a warning citation or impose civil penalties ranging from $100 to $1,000.

By law, a consumer commodity is any food (including those that are weighed), drug, device, cosmetic, product, or commodity of any other class, except prescription drugs, that is customarily produced for retail sale for individual consumption, personal care, or household purposes and is usually consumed or expended during consumption or use. It does not include alcoholic liquor or carbonated soft drink containers (CGS §§ 21a-73 & -79b).

The act also makes various minor, technical, and conforming changes.

§ 36 — CARD SURCHARGE PROHIBITION

Makes various changes to the prohibition on credit card surcharges, including (1) exempting certain governmental agencies, (2) requiring additional disclosures when there is a minimum transaction amount or cash discount offer, and (3) deeming violations under the act to be CUTPA violations and allowing the DCP commissioner to assess additional penalties

The act makes the following changes to the statutory prohibition on card surcharges (e.g., credit and debit):

1. exempts certain governmental agencies,
2. extends provisions applying to credit cards to also apply to charge cards,
3. requires additional disclosures when there is a minimum transaction amount or cash discount offer,
4. defines previously undefined terms,
5. eliminates a requirement that sellers accept certain trade name bank cards,
6. expands the prohibition on reducing commission paid to an agent because a credit card was used to pay,
7. deems violations to be unfair or deceptive trade practices and allows the DCP commissioner to impose additional civil penalties, and
8. allows the DCP commissioner to adopt regulations to implement these provisions.

The act also makes various minor, technical, and conforming changes.

Transactions

Prior law prohibited sellers from imposing a surcharge on a buyer who chose to use any form of payment, including cash, check, credit card, or other means, in any sales transaction. The act expands this provision to prohibit any person from imposing a surcharge on any transaction. Under the act, a "surcharge" is any additional charge or fee that increases the transaction's total amount for the privilege of using a particular form of payment.

Under the act, a "person" means any natural person, corporation, incorporated or unincorporated association, limited liability company, partnership, trust, or other legal entity. "Transaction" means (1) distribution by one person to another person of any service or (2) the lease, rental, or sale by one person of any tangible or intangible personal, real, or mixed property, or any other article, commodity, or thing of value, to another person for a certain price.

The act specifically exempts certain governmental charges from its requirements. "Transaction" does not include payment of any of the following:

1. fees, costs, fines, or other charges to a state agency authorized by the Office of Policy and Management secretary (CGS § 1-1j);
2. taxes, penalties, interest, and fees allowed by the revenue services commissioner (CGS § 12-39r);
3. taxes, penalties, interest and fees, or other charges to a municipality (CGS § 12-141a);
4. fees, costs, fines, or other charges to the judicial branch (CGS § 51-193b); or
5. amounts pursuant to any other provision of the general statutes or regulations of Connecticut state agencies.

Minimum Transaction Amount

By law, if a person (e.g., seller) requires a minimum transaction amount to use a credit card, the person must disclose the requirement in writing or orally. The act extends this requirement to charge cards.

Additionally, the act requires the seller to clearly and conspicuously post the written disclosure on the premises if the seller conducts in-person transactions. Prior law only required sellers to disclose the minimum transaction amount in writing at the point of purchase (e.g., at or on a cash register, advertisement, or menu).

Prior law required a seller to disclose the minimum purchase policy orally. The act specifies that it must be done before completing any oral transaction, including telephone transactions.

The act also requires the person to display the notice clearly and conspicuously on the Internet website or digital payment application before any online transaction or transaction processed by the digital payment application is completed.

The act defines "charge card" as any card, device, or instrument that (1) is issued, with or without a fee, to a holder and requires the holder to pay the full outstanding balance due at the end of each standard billing cycle the issuer established and (2) the holder uses in a transaction to receive services or to lease, purchase, or rent tangible or intangible personal, real, or mixed property, or any other article, commodity, or thing of value. It also includes any software application that (1) is used to store a digital form of the card, device, or instrument and (2) may be used in a transaction to receive these services or lease, purchase, or rent the property, article, commodity, or thing.

Cash Discount

Existing law allows a seller to offer a discount to encourage a cash, check, debit card, or similar payment over a credit card payment. The act also allows sellers to offer discounts to encourage these payments over charge card payments. The act requires anyone offering this discount to post notice of it in-store, online, or orally in the same way as the minimum transaction policy (see above).

Definitions

The act defines several previously undefined terms.

Under the act, "credit card" means any card, device, or instrument that (1) is issued, with or without a fee, to a holder, and (2) may be used by the holder in a transaction to receive services or lease, purchase, or rent tangible or intangible personal, real, or mixed property, or any other article, commodity, or thing of value on credit, regardless of whether the card, device, or instrument is known as a credit card, as a credit plate, or by any other name. It includes any software application that (1) stores a digital form of the card, device, or instrument, and (2) may be used in a transaction to receive such services or lease, purchase, or rent any such property, article, commodity, or thing on credit.

"Debit card" means any card, code, device, or other means of access, or any combination thereof, that (1) is authorized or issued for use to debit an asset account held directly or indirectly by a financial institution and (2) may be used in a transaction to receive services or lease, purchase, or rent tangible or intangible personal, real, or mixed property, or any other article, commodity, or thing of value regardless of whether the card, code, device, means, or combination is known as a debit card. It includes (1) any software application that stores a digital form of such card, code, device, or other means of access, or any combination thereof, that may be used in a transaction to receive such services or lease, purchase, or rent any such property, article, commodity, or thing and (2) any cards, codes, devices, or other means of access, or any combination thereof, commonly known as automated teller machine cards and payroll cards. A "debit card" does not mean (1) a check, draft, or similar paper instrument or (2) any electronic representation of a check, draft, or instrument.

Trade Name Bank Credit Card

The act eliminates a provision that requires any seller who accepts or offers to accept a bank credit card bearing a trade name as payment to accept any bank credit card with the tradename a cardholder presents regardless of the card issuer's identity.

Prohibition on Reducing Commission

The act expands to additional industries prior law's prohibition on reducing the amount of commission paid to a travel agent because a credit card was used to pay. The act expands this prohibition to any agent, who is anyone who (1) arranges for the distribution of services by another person or (2) leases, rents, or sells tangible or intangible personal, real, or mixed property or any other article, commodity, or thing of value on behalf of another person. Under the act, the prohibition also applies to charge card transactions.

Violations

The act also allows the DCP commissioner to impose an additional civil penalty of up to $500 per violation. Civil penalty payments must be deposited into the consumer protection enforcement account.

Under the act, any violation of these provisions is deemed an unfair or deceptive trade practice under CUTPA. Under prior law, only violations of the provision prohibiting reducing commission were CUTPA violations.

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.

§ 37 — INVOICES AND WORK ORDERS FOR WORK ON A PRIVATE RESIDENCE

Requires licensed tradespeople and businesses performing work on private residences to include certain information in invoices or work orders for completed work and services

The act requires certain tradespeople and businesses performing work on private residences to include the following information on invoices or work orders for completed work and services:

1. the legal name and license number of the licensed contractor or the responsible licensed contractor of record;
2. the name of each licensee who performed work;
3. the contractor's address or, in the case of a business, the business's address and phone number; and
4. a description of the work or services performed, including the dates it was done and the labor and material costs.

Under the act, these requirements do not apply to invoices or work orders that are signed by consumers and, therefore, are a contract.

The act's requirement applies to work performed on private residences (generally one- to six-unit residential properties and condominium or common interest communities of any size) by a licensed contractor in the fields of 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. It also applies to the people who own or control businesses that perform work or provide services to these residences through the same licensed tradespeople.

§§ 38-41 — CONSUMER HEATING FUEL DEALERS

Expands the prohibition against consumer heating fuel dealers denying fuel deliveries while a consumer complaint before DCP is pending by extending it to deliveries (1) year-round and (2) for fuel for cooking or power generation

The law establishes conditions under which a heating fuel dealer who owns a residential tank and has exclusive fill requirements is barred from refusing to make fuel deliveries to a consumer because of a complaint DCP is mediating or investigating. Under prior law, these dealers were barred from refusing deliveries from October 1 to March 31 if the (1) dealer was the only supplier and (2) consumer paid cash upon delivery. The act eliminates the seasonal nature of the ban, making it apply year-round.

The act also expands this prohibition to deliveries of fuel used for cooking or power generation. (However, the act does not make conforming changes to incorporate the broader range of covered fuels, dealers, and consumers.)

The act also makes numerous technical and conforming changes.

§ 42 — CONTINUING EDUCATION FOR ELECTRICIANS AND PLUMBERS

Authorizes electricians and plumbers to take required continuing education online and establishes additional continuing education requirements (e.g., class size and location)

Existing regulations require continuing education (CE) for tradespeople in the electrical and plumbing and piping fields to be conducted in a classroom-style facility and prohibit correspondence courses (Conn. Agencies Regs. § 20-334d-1). The act broadens the types of CE courses that may be offered to include online courses that (1) include real-time video with audio, (2) require participants to periodically confirm their active engagement, and (3) allow participants to interact with instructors in real time during the entire CE session.

The act also establishes additional requirements for these in-person and online CE courses. Under the act, the courses must (1) be limited to 50 attendees if offered in-person and 25 attendees if online and (2) not be offered or held at a licensed plumbing or electrical contractor's place of business if the course is for plumbers or electricians, respectively, and offered in person.

Under the act, CE providers must retain an audio-visual recording of their online or in-person course for at least 30 days and make the recordings available at DCP's request.

The act also makes technical and conforming changes.

§ 43 — APPRAISAL MANAGEMENT COMPANIES (AMC)

Makes a minor change to address a federal audit of the AMC laws

The act makes a minor change to the definition of AMC to address a federal audit recommendation. Under prior law, the definition of AMC excluded a financial institution's department or unit if it (1) is regulated by a Connecticut or federal agency and (2) only received appraisal requests from the financial institution's employees. The act repeals this qualification and instead specifies that AMCs exclude departments or divisions of an entity providing appraisal management services exclusively to that entity.

Existing law, unchanged by the act, also does not consider the following to be AMCs:

1. an appraiser that enters into an agreement with another appraiser to perform an appraisal if the appraisal is signed by both appraisers upon completion;
2. an AMC that is a subsidiary owned and controlled by a financial institution regulated by a federal financial institution regulatory agency (i.e., a bank, out-of-state bank, or institutional lender (or any of its subsidiaries or affiliates) or another lender licensed by the Department of Banking); and
3. any local, state, or federal agency or department.

The act also makes a number of technical and conforming changes.

§§ 44-45 & 47 — HOMEMAKER-COMPANION AGENCIES

Generally prohibits anyone associated with a homemaker-companion agency, other than a client's immediate family member, from serving as the client's agent under a power of attorney

The act prohibits homemaker-companion agencies' owners, agents, corporate officers, and employees (other than a client's immediate family member) from serving as a client's agent under a power of attorney. The client may petition the DCP commissioner for an exemption, which may be granted for good cause shown.

The act defines "immediate family member" as a child by adoption, blood, or marriage; grandchild; grandparent; parent; sibling; or spouse.

The act also makes technical and conforming changes.

§ 46 — CONTRACTS FOR WORK ON PRIVATE RESIDENCES

Eliminates a requirement that contracts for work on private residential property by licensed tradespeople be in writing; requires written contracts to be provided to the property owner when they are executed or amended; specifies the conditions under which a property owner can cancel a contract for emergency repairs

Applicable Contracts

The act makes several changes to a law enacted in 2021 that requires contracts for work on private residential property by licensed tradespeople to meet certain specifications to be valid or enforceable against the owner. Specifically, the act does the following:

1. limits the application of this law to written contracts only, excluding oral contracts between a property owner and contractor (or employing business), and
2. requires contractors (or the employing businesses) that enter into these written contracts to deliver and give to each owner who is a party to the contract a free copy of it when it is executed or amended.

As under existing law, the act's provisions apply to work performed by a licensed contractor in the fields of elevator installation, repair, and maintenance; fire protection sprinkler systems; flat glass work; gas hearth; heating, piping, and cooling; irrigation; plumbing and piping; residential star lift; sheet metal; solar; swimming pool; and electrical. It applies to work on private residences, which are generally one- to six- unit residential properties and condominium or common interest communities of any size.

Emergency or Immediate Repairs

The act specifies that an owner's cancellation rights under the Home Solicitation Sales Act do not apply when:

1. a written contract was executed for emergency or immediate repairs necessary to protect people or real or personal property and
2. prior to executing the written contract, the owner gave the contractor (or employing business) a written, signed, and dated statement (a) describing the situation requiring emergency or immediate repairs and (b) expressly waiving the right to cancel the contract under the Home Solicitation Sales Act.

The act's provisions supersede those in the Home Solicitation Sales Act that exempt a transaction from that act's coverage if the consumer (1) initiates the transaction to resolve a personal emergency and (2) gives the seller a separate handwritten, signed, and dated description of the emergency and expressly waives his or her cancellation rights.

The act requires the portion of a written contract between a contractor (or employing business) and a property owner that discloses an owner's cancellation rights under the Home Solicitation Sales Act to include notice that those rights are subject to the emergency repair exception.

§ 48 — CONTINUING EDUCATION DEADLINE FOR ACCOUNTANTS

Makes a conforming change to reflect a law that generally requires public accountants to complete their continuing education by June 30

Generally, the law requires DCP credential holders to complete their required continuing education (CE) at least three months before the credential's annual or biennial renewal date. But another existing law specifically requires certified public accountants to complete their annual CE by June 30 or face higher renewal fees (CGS § 20-281d).

The act makes a conforming change to explicitly exempt public accountants from the general rule.

§§ 49-53 & 55 — FOOD WAREHOUSES, BAKERIES, AND FOOD MANUFACTURING ESTABLISHMENTS

Makes various minor and conforming changes to generally subject food warehouses, bakeries, and food manufacturing establishments to the same laws; eliminates the requirement that applicants obtain a certificate of zoning approval if the proposed use conforms to existing zoning requirements; expands DCP's authority to issue regulations

The act makes several minor and conforming changes to uniformly regulate bakeries, food warehouses, and food manufacturing establishments. Specifically, it does the following:

1. subjects food manufacturing establishments to the same vehicle and transporting requirements applicable to bakeries and food warehouses (e.g., requiring that the vehicles be kept in a sanitary condition and have enclosed compartments in which unwrapped products are transported);
2. authorizes the DCP commissioner to summarily suspend a food warehouse license pending a hearing if she believes emergency action is necessary, just as existing law allows for bakery and food manufacturing licenses; and
3. expands DCP's authority to issue regulations to include regulations on (a) inspecting food warehouses and manufacturing establishments and (b) adjusting license fees for food manufacturing establishments.

Applicants for a new bakery, food warehouse, or food manufacturing establishment license must provide to DCP a certificate of zoning compliance for the proposed location. The act exempts them from this requirement if the proposed use conforms to the municipality's existing zoning requirements (presumably, the applicant will attest to this). Prior law exempted only food warehouses that were registered in good standing before October 2019. By law, unchanged by the act, no certificate is required for license renewals or transfers.

Grandfathered Food Warehouses

The act also reestablishes the DCP commissioner's authority to direct the design and construction of specified food warehouses. Prior law exempted food warehouses from this oversight if they were registered in good standing before October 2019, in good repair, and free of pests and stored food properly. The act eliminates this exemption, subjecting these warehouses to the commissioner's authority when they are being expanded or modified. It also reestablishes the commissioner's authority to inspect a warehouse before issuing a license, even if the warehouse was registered before October 2019 and transferred its registration to a new license.

The act also makes a number of technical and conforming changes.

§ 54 — CANNABIS ADVERTISING

Eliminates the increase, under PA 22-103, § 8, in the minimum distance required for certain cannabis advertisements from certain buildings; instead prohibits billboard advertising within 1,500 feet of these same buildings and houses of worship

PA 22-103, § 8, increased the minimum distance, from 500 to 1,500 feet, needed to advertise cannabis or cannabis products or paraphernalia in any physical form visible to the public from certain buildings (i.e., elementary or secondary school grounds, recreation centers or facilities, child care centers, playgrounds, public parks, or libraries). It also added houses of worship to the list of buildings subject to this requirement. The act eliminates these changes and instead prohibits cannabis establishments from advertising on any billboard within 1,500 feet of the buildings listed above and houses of worship.

PA 22-122—sSB 190
General Law Committee

AN ACT CONCERNING MUNICIPAL ASSESSMENT, TAX COLLECTION AND FINANCE PERSONNEL

SUMMARY: This act broadly authorizes the Office of Policy and Management (OPM) secretary to make recommendations about assessor, tax collector, and municipal finance officer training programs to support these career pathways. The recommendations may include online or in-person training programs at public higher education institutions (§ 1). Under existing law, the OPM secretary may hold meetings, conferences, or schools for these professions.

The act also requires the OPM-appointed assessment personnel training, examination, and certification committee to amend its regulations to ensure that assessor exams and training are readily available online or at various locations statewide (§ 2).

Additionally, the act transfers responsibility for adopting regulations for tax collectors from the OPM secretary to existing law's tax collection personnel training, examination, and certification committee. It also requires the committee to amend the regulations to ensure that tax collector exams and training are readily available online or at various locations statewide. Under existing law, one member of the seven-member OPM-appointed committee is an OPM employee. The act makes this member a voting member (§ 3).

The act also makes technical changes.

EFFECTIVE DATE: Upon passage

PA 22-2—sHB 5262
Government Administration and Elections Committee

AN ACT REVISING CERTAIN ABSENTEE VOTING ELIGIBILITY STATUTES

SUMMARY: This act expands two of the six statutory reasons for which qualified voters (i.e., electors and people eligible to vote in a referendum) may vote by absentee ballot in an election, primary, or referendum (see BACKGROUND). Under the act, qualified voters may vote by absentee ballot if they are unable to appear at their polling place because of (1) sickness, rather than because of their own illness, or (2) physical disability, rather than because of their own physical disability.

Additionally, the act authorizes qualified voters to vote by absentee ballot if they are unable to appear at their polling place because of absence from the town of their voting residence. Prior law authorized them to vote absentee for this reason only if they were absent during all hours of voting.

The act also modifies to whom each of the six statutory reasons for voting by absentee ballot applies. Previously, the reasons applied to qualified voters who were unable to appear at their polling place during the hours of voting. Under the act, they apply to qualified voters who are unable to do so during the day of the election, primary, or referendum.

The act requires that absentee ballots be updated to reflect the above changes. Specifically, the statement printed on the face of the absentee ballots' inner envelope must show the revised reasons electors may vote absentee. By law, absentee voters must sign the statement under penalties of false statement in absentee balloting, which is a class D felony (CGS § 9-359a; see Table on Penalties).

Lastly, the act makes technical changes, including removing obsolete provisions concerning absentee voting because of the COVID-19 sickness in the 2020 state election and any election, primary, or referendum from June 23, 2021, through November 2, 2021.
EFFECTIVE DATE: Upon passage

BACKGROUND

Permitted Reasons Under the Constitution for Voting by Absentee Ballot

The state constitution authorizes the General Assembly to pass a law allowing eligible voters to cast their votes by absentee ballot if they are unable to appear at a polling place on election day because of (1) absence from their city or town, (2) sickness or physical disability, or (3) the tenets of their religion prohibiting secular activity (Conn. Const. Art. VI, § 7). The General Assembly exercised this authority and passed laws codified at CGS § 9-135.

PA 22-13—sSB 470
Government Administration and Elections Committee

AN ACT CONCERNING CERTAIN VOTER REGISTRATION INFORMATION

SUMMARY: This act removes a person's voter registration number and any other identifiers required by the federal Help America Vote Act of 2002 (HAVA) from the list of voter registration information prohibited from disclosure. Prior law prohibited disclosure of any unique identifier used to generate a voter registration record (e.g., voter registration number) and any information added to a record to comply with HAVA (e.g., registered voters must be assigned a numerical identifier for database identification under 52 U.S.C. § 21083(a)(1)(A)).

By law, unchanged by the act, a person's driver's license, identity card, and Social Security number on a voter registration record are confidential and prohibited from disclosure.
EFFECTIVE DATE: Upon passage

PA 22-65—sHB 5453
Government Administration and Elections Committee

AN ACT REQUIRING THE ONLINE POSTING OF CERTAIN STATE CONTRACTS

SUMMARY: This act requires the Department of Administrative Services (DAS) to post on its website any goods or services contract or extension entered into without competitive bidding or competitive negotiation, including through

emergency procurement authority. In doing so, it expands upon provisions in prior law that required the department to post on its website information about specified contracts and purchases meeting these criteria. It allows DAS, when posting these contracts, to redact information that is not subject to disclosure under the Freedom of Information Act.

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022

CONTRACTS ENTERED INTO WITHOUT COMPETITIVE BIDDING OR NEGOTIATION

Generally, the law requires the DAS commissioner, when possible, to use competitive bidding or negotiation when purchasing, and entering into contracts for, supplies, materials, equipment, and contractual services (i.e., goods or services). The law establishes exceptions for, among other things, (1) minor nonrecurring or emergency purchases of $10,000 or less, (2) purchasing cars or light-duty trucks to comply with state and federal laws for purchasing alternative-fuel vehicles, and (3) certain public utility services. The act requires the commissioner to post on the department's website any contract entered into under these exceptions (or otherwise not subject to competitive bidding or negotiation).

The law also has a competitive bidding and negotiation exception for emergencies due to (1) extraordinary conditions or contingencies that could not be reasonably foreseen and guarded against or (2) unusual trade or market conditions. Prior law required that a statement of all purchases made using this authority be posted on DAS's website. The act additionally requires the posting of all contracts entered into using this authority.

The act similarly expands an existing requirement about contract extension information. Existing law generally prohibits state agencies from extending a goods and services contract without competitive bidding or negotiation unless the DAS commissioner makes a written determination that it is necessary for specified reasons (e.g., for a sole source procurement). Under prior law, the commissioner had to post the reasons for noncompliance on the department's website for any contract extended this way. The act requires her to post the actual contract as well.

PA 22-109—HB 5459
Government Administration and Elections Committee

AN ACT REQUIRING THE ONLINE POSTING OF MEETING NOTICES OF STATE PUBLIC AGENCIES

SUMMARY: This act expands the Freedom of Information Act's (FOIA) meeting notice requirements that apply to state public agencies other than the legislature. It requires these agencies to post a schedule of their regular meetings for each year on the secretary of the state's website. Existing law, unchanged by the act, requires agencies to file these schedules with the secretary annually by January 31 and post them on their websites.

The act also requires the secretary to post on his website special meeting notices the agencies file with him. Under existing law, unchanged by the act, agencies must (1) post the notices on their own websites and (2) file them with the secretary for posting in his office. (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.)

Under existing law, unchanged by the act, the legislature is a public agency for FOIA purposes, but is authorized to adopt meeting notice requirements as part of the Joint Rules.

EFFECTIVE DATE: October 1, 2022

PA 22-127—SB 349
Government Administration and Elections Committee

AN ACT CONCERNING THE FILLING OF VACANCIES AND REPLACEMENT OF CANDIDATES ON ELECTION BALLOTS

SUMMARY: This act changes when political parties may fill vacancies for nominated candidates before an election. Under the act, a candidate who dies, withdraws, or is otherwise disqualified to hold office no later than 46 days before the election may be replaced on the ballot if the party certifies the vacancy nomination to the appropriate authority at least 42 days before the election. Under prior law, a party could fill these vacancies if (1) they occurred no later than 24 days before the election and (2) the party certified the vacancy nomination by the 21st day beforehand. (State, district, and legislative office candidates file with the secretary of the state; municipal office candidates (other than state senator or representative) file with their town clerk.)

The act also makes a conforming change for candidates who die after the new 46-day deadline. Under prior law, if a candidate died between 24 days and 24 hours before an election, then the party could fill the vacancy by 2 p.m. the day before the election. Under the act, it may do so if the candidate dies between 46 days and 24 hours beforehand.

By law and unchanged by the act, a candidate who dies within 24 hours of the election must remain on the ballot. If the deceased candidate wins, then the office is considered vacant and filled as prescribed by existing law.

The act also makes a technical change by replacing the term "ballot labels" with "ballots."

EFFECTIVE DATE: Upon passage

PA 22-128—SB 350
Government Administration and Elections Committee
Appropriations Committee

AN ACT ESTABLISHING JUNETEENTH INDEPENDENCE DAY AS A LEGAL HOLIDAY

SUMMARY: This act establishes a new legal state holiday on June 19 known as Juneteenth Independence Day. By law, legal state holidays are also bank and credit union holidays, during which time bank and credit union transactions are generally suspended (CGS § 36a-23).

EFFECTIVE DATE: October 1, 2022

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE

PA 22-11—SB 20
Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE NAME, IMAGE AND LIKENESS OF STUDENT ATHLETES

SUMMARY: This act eliminates the ban on student athletes using, or consenting to the use of, a higher education institution's institutional marks (i.e., name, logo, trademarks, mascot, unique colors, copyrights, and other defining insignia) when performing an endorsement contract or employment activity. It correspondingly requires higher education institutions in the state to adopt at least one policy on the use of institutional marks as they must already do for endorsement contracts and employment activities. However, the act does not require that these policies allow student athletes to use, or consent to the use of, these marks.

The act also requires that the UConn Board of Trustees and the Board of Regents for Higher Education each prepare a report on the fiscal impact (e.g., a revenue gain or loss, or any costs) to their respective higher education institutions caused by the student athlete policies on endorsement contracts, employment activities, and use of institutional marks. They must submit the reports to the Higher Education and Employment Advancement Committee by January 1, 2023.
EFFECTIVE DATE: July 1, 2022

BACKGROUND

Student Athlete Compensation

PA 21-132, § 14, generally allows student athletes enrolled at a higher education institution in the state to (1) earn compensation through an endorsement contract or employment in an activity unrelated to an intercollegiate athletic program and (2) obtain legal or professional representation from an attorney or sports agent through a written agreement, so long as he or she complies with the higher education institution's policy on student athlete endorsement contracts and employment activities. Each higher education institution is required to adopt policies governing student endorsement and employment.

PA 22-16—sSB 18
Higher Education and Employment Advancement Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE HIGHER EDUCATION STATUTES

SUMMARY: This act requires public Connecticut higher education institutions' governing boards to adopt a policy requiring newly appointed governing board members to complete specified training within a year after their appointment or election to the board. The act establishes the required instruction and training topics, which include financial, legal, ethical, and institutional operation training topics, among others. By January 1, 2023, each institution must post on its website its training policy and a summary of the instruction and training board members received.

Additionally, the act requires the Board of Regents for Higher Education (BOR) to make the Connecticut State Colleges and Universities' (CSCU) central office a separate line item in BOR's consolidated operating budget. It also makes several conforming and technical changes.
EFFECTIVE DATE: July 1, 2022

§ 1 — GOVERNING BOARD MEMBER TRAINING

The act requires BOR and the UConn Board of Trustees (BOT) to each adopt a policy by January 1, 2023, that requires newly appointed governing board members to receive instruction and training on the topics listed in the table below within the first year of their appointment or election.

Training Topics for New BOR and UConn BOT Members

Board Operations and Member Duties
A board member's duties to the state and the institution
Each board committee and its functions, including the executive committee

Financial Matters
Professional accounting and reporting standards
Business operations, administration, budgeting, financing, financial reporting, financial reserves, and endowment management for higher education institutions
Institutional advancement, including philanthropic giving, and fundraising initiatives
Legal and Ethical Matters
Methods for meeting the board's statutory, regulatory, and fiduciary obligations
State Freedom of Information Act
A board member's institutional and statutory ethical responsibilities
Institutional Operations
Development and implementation of institutional policies
Oversight of planning, construction, maintenance, expansion, and renovation projects that impact the institution's infrastructure, physical facilities, and natural environment
Workforce planning, strategy, and investment
Alumni programming, communications and media, government and public relations, and community affairs
Student Issues
Tuition, mandatory fees, and student debt trends
Student welfare issues, including academic studies, curriculum, residence life, student governance and activities, and general physical and mental well-being
General Higher Education Issues
Current and anticipated higher education issues
Other topics each governing board determines necessary

§§ 2-5 — BOR BUDGETING PROCESS

The act requires BOR to make the CSCU central office a separate line item in the consolidated operating budget request that it submits to the Office of Policy and Management (OPM) (see BACKGROUND). The law already requires BOR to itemize its budget by the Connecticut State University System, regional community-technical college system, and Charter Oak State College. Additionally, the act conforms law to practice by requiring BOR to include any tuition increase proposed by Charter Oak State College for the fiscal year covered by the budget in the consolidated higher education budget that it submits to OPM.

The act also allows BOR to apply allotment reductions (i.e., rescissions) to the CSCU central office without regard to statutory limitations after consulting with the OPM secretary, just as existing law permits the board to do for the public colleges and universities under its jurisdiction. However, the act maintains the requirement that the statutory limitations apply to the total of the amounts appropriated.

BACKGROUND

BOR Budget Preparation

By law, BOR must develop either a formula- or program-based budgeting system for each institution under its oversight to use when preparing operating budgets. Each institution's request must contain a proposed expenditure plan that includes the (1) total appropriation requested from the legislature, (2) amount to be appropriated from the General Fund, and (3) amount to be paid from tuition revenues. After reviewing and commenting on the institutions' proposed expenditure plans, BOR incorporates them into a single budget request containing any proposed tuition increases and submits it to the OPM secretary. The single request is itemized by the state university system, regional community-technical college system, and Charter Oak State College (CGS § 10a-8(a)).

PA 22-41—sSB 103
Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE CONNECTICUT HEALTH AND EDUCATIONAL FACILITIES AUTHORITY AND THE CONNECTICUT HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY

SUMMARY: This act allows the Connecticut Higher Education Supplemental Loan Authority (CHESLA) to issue other types of educational assistance in addition to grants and loans by expanding the definition of "education assistance program" to include any other form of financial assistance. The act also does the following:

1. eliminates a provision prohibiting the Connecticut Health and Educational Facilities Authority (CHEFA) from financing purchases for higher education and health care institutions that typically result in an operating charge (e.g., books, fuel, and supplies) and
2. allows CHEFA to make loans and transfer money, real estate, and personal property to any of its subsidiaries established by law (e.g., CHESLA), rather than just the subsidiaries it has established to carry out its public purposes.

Additionally, the act authorizes the Connecticut Student Loan Foundation board of directors to distribute excess funds to CHEFA or its subsidiaries to provide financial assistance for students enrolled in a "postsecondary education program," which the act defines as a high-value certificate program approved by CHESLA. Existing law already allows CHESLA to assist students enrolled in a high-value certificate program (a noncredit sub-baccalaureate certificate program offered by a higher education or private occupational school that the Chief Workforce Officer determines meets the needs of employers in Connecticut).

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2022

PA 22-101—sHB 5301
Higher Education and Employment Advancement Committee

AN ACT CONCERNING IN-STATE STUDENT STATUS OF VETERANS, A POSTSECONDARY PRISON EDUCATION PROGRAM OFFICE, THE ROBERTA B. WILLIS SCHOLARSHIP PROGRAM, FOOD INSECURE STUDENTS AND CHILD CARE CENTERS ON OR NEAR COLLEGE CAMPUSES

SUMMARY: This act makes various changes in the laws governing workforce development and postsecondary education. Principally, it does the following:

1. entitles certain veterans and dependents of armed forces members living in Connecticut to in-state college tuition rates regardless of their state of residence (§ 1);
2. reduces the membership of the task force studying the costs and benefits of establishing a postsecondary prison education program office and extends its reporting deadline and termination date generally by one year (§ 2);
3. establishes a 10-member task force to recommend changes to the Roberta B. Willis Scholarship program (§ 3);
4. creates various requirements to assess and address student food insecurity at the state's public colleges and universities (§§ 4-7); and
5. requires BOR to develop a plan to increase the number of child care facilities on or near each regional community-technical college and state university campus (§ 8).

The act also makes several technical changes.

EFFECTIVE DATE: July 1, 2022, except the provisions about the two task forces are effective upon passage.

§ 1 — IN-STATE TUITION RATES FOR VETERANS AND DEPENDENTS OF ARMED FORCES MEMBERS

The act expands entitlement to in-state student tuition rates at the state's public colleges and universities to the following three classes of people who live in Connecticut, regardless of their state of residence:

1. "veterans," which the act defines as any person discharged or released, under conditions other than dishonorable, from at least 90 days of active service in the armed forces;
2. certain people entitled to educational assistance pursuant to the federal Marine Gunnery Sergeant John David Fry Scholarship; and
3. specific individuals entitled to transferred educational assistance pursuant to the federal Post-9/11 G.I. Bill (a.k.a. the Post-9/11 Veterans Educational Assistance Act of 2008).

For those eligible through the Fry Scholarship, the act applies to the child or spouse of someone who, on or after September 11, 2001, dies in the line of duty while serving on active duty as an armed forces member (38 U.S.C. § 3311(b)(8)). By law, a spouse's entitlement expires on the date the spouse remarries or 15 years after the member died, whichever is earlier (38 U.S.C. § 3311(f)(2)). Additionally, a "child" includes a married person or someone who is above the age of 23 years (38 U.S.C. § 3311(f)(5)).

For those eligible through the Post-9/11 G.I. Bill, the act applies to dependents of someone who, at the time a transfer request is approved, generally has completed at least six years of armed forces service and enters into an agreement to serve at least four more years as a uniformed services member (38 U.S.C. § 3319). By law, a "dependent" is generally the member's spouse and certain eligible children (38 U.S.C. § 3319(c)(2) & 10 U.S.C. § 1072(2)).

§ 2 — POSTSECONDARY PRISON EDUCATION PROGRAM OFFICE TASK FORCE

The act reduces, from 16 to 10, the membership of the task force to study the costs and benefits of establishing a Postsecondary Prison Education Program Office within the Department of Correction (DOC). It does so by reducing the number of appointments by each legislative leader by one. By law, the task force must study at least nine topics, including space demands for prison education programming in correctional facilities; processes and standards for approving these programs, their curricula, and course materials; and other state and county correctional agencies' strategies for increasing the number of people who can access these programs using federal Pell grants.

By law and unchanged by the act, the Office of Policy and Management's undersecretary for criminal justice and the DOC commissioner, or their respective designees, are task force members. The table below outlines the membership reduction for each appointing authority.

Task Force Membership Reduction Under the Act

Appointing Authority	*Number of Appointees Under PA 21-132*	*Number of Appointees Under the Act*
House speaker	Three	Two
Senate president pro tempore	Three	Two
House majority leader	Two	One
Senate majority leader	Two	One
House minority leader	Two	One
Senate minority leader	Two	One

Under the act, the appointing authorities must make their appointments within 30 days after the act's passage (i.e., by June 23, 2022) and fill any vacancies. Appointed members may be legislators.

By law, the House speaker and Senate president pro tempore must choose the task force chairpersons from among its membership. Under the act, these chairpersons must schedule the task force's first meeting, which must occur within 60 days after the act's passage (i.e., by July 23, 2022). The Higher Education and Employment Advancement Committee's administrative staff serves as the task force staff.

The act extends the deadline by which the task force must report its findings and recommendations to the Higher Education and Judiciary committees by one year, from January 1, 2022, to January 1, 2023. Correspondingly, the act requires the task force to terminate on the date it submits the final report or January 1, 2023, whichever is later, rather than January 1, 2022, as under prior law.

§ 3 — ROBERTA B. WILLIS SCHOLARSHIP PROGRAM TASK FORCE

The act establishes a 10-member task force to recommend changes to the Roberta B. Willis Scholarship program, which provides merit- and need-based financial assistance to Connecticut undergraduate students attending a two- or four-year college or university in the state.

Scope

Under the act, the task force must propose changes in the program that, at a minimum, do the following:

1. provide need-based financial aid to Connecticut residents enrolled at public and independent higher education

institutions that (a) promotes access and choice to postsecondary education and (b) focuses on the student,
2. ensure prospective and current students are notified of their initial eligibility for a grant based on their completed Free Application for Federal Student Aid (FAFSA) without requiring them to also apply to the Office of Higher Education (OHE),
3. annually ensure participating public and independent higher education institutions are aware of the initial student eligibility criteria and corresponding grant award amount for the following academic year on or before December 1 prior to the grant year, and
4. consider the feasibility of private occupational schools' participation in the program and estimate the cost of providing need- and merit-based grants or need-based grants for the eligible educational costs of state residents attending those schools.

Membership

Under the act, the task force must have the following 10 members:
1. two each appointed by the House speaker and Senate president pro tempore,
2. one each appointed by the House and Senate majority leaders,
3. one each appointed by the House and Senate minority leaders,
4. the Chief Workforce Officer or her designee, and
5. the OHE executive director or his designee.

The act allows any members appointed by legislative leaders to be General Assembly members. Additionally, it requires all appointments to be made within 30 days after the act's passage (i.e., by June 23, 2022) and any vacancy to be filled by the appointing authority.

Leadership, Staff, and Deadlines

The act requires the House speaker and Senate president pro tempore to choose the task force chairpersons from among its members. These chairpersons must schedule the task force's first meeting, which must be held within 60 days after the act's passage (i.e., by July 23, 2022). The Higher Education and Employment Advancement Committee's administrative staff must serve as the task force staff.

Under the act, the task force must report its recommendations to the Higher Education and Employment Advancement Committee by January 1, 2023. The task force terminates on this date or the date it submits the report, whichever is later.

§§ 4-7 — FOOD-INSECURE STUDENTS AT PUBLIC HIGHER EDUCATION INSTITUTIONS

Food Insecurity Student Surveys

The act establishes various requirements to assess and address food insecurity for the state's public college and university students. It defines "food insecurity" and "food insecure" as the lack of financial resources needed to consistently access enough food for an active and healthy life. Specifically, it requires each public college and university to do the following:
1. starting by March 1, 2023, and biennially afterwards, administer a survey to enrolled students to collect data on the number of students who are food insecure and the causes and reasons for that;
2. starting by October 1, 2023, and biennially afterwards, evaluate their services and programs addressing the needs of food-insecure students and, based on the survey results, amend their existing services and programs or establish a new service or program to address these needs; and
3. starting by January 1, 2024, and biennially afterwards, report to the Higher Education and Employment Advancement Committee on the (a) survey results; (b) food insecurity services and programs offered, including any changes made based on the survey results; and (c) number of students who used the services and programs in the preceding two years.

Under the act, the survey must include questions about a student's (1) demographic background, including age, race, ethnicity, gender identity, marital status, income, education, and employment; (2) specific barriers to food access; and (3) awareness or use of community or institutional resources to address food insecurity and barriers to accessing these resources.

The act allows the services or programs that public colleges and universities modify or establish to address student food insecurity to include the following:
1. giving assistance and support for students to enroll in the Supplemental Nutrition Assistance Program (SNAP) or

any other state or federal nutrition assistance or financial aid program, including programs for families, if applicable;
2. providing low-cost food or meal plan options on campus;
3. allowing students additional meals through extra card swipes on meal plans;
4. providing financial assistance or other financial student aid;
5. establishing or expanding on-campus food pantries; and
6. starting a "fruit and vegetable incentive program" (i.e., a program that offers participants matching funds to purchase fruits and vegetables in any increment relative to their cost) or making one available through an agreement with a community nonprofit organization or government agency.

The act requires each institution, when amending or establishing services and programs based on survey results, to set a goal of serving at least 10% of the students identified in the survey as being food insecure.

SNAP Availability for Public College and University Students

Beginning July 1, 2023, and annually afterwards, the act requires BOR and BOT to consult with the Department of Social Services (DSS) to (1) identify which, if any, of their offered educational programs qualify as an employment and training program that increases a student's employability and complies with the requirements for a SNAP exemption (see BACKGROUND) and (2) maximize the number and types of these employment and training programs offered. Relatedly, the act allows the state's public colleges and universities to consult with DSS to identify these programs. By January 1, 2024, BOR, BOT, and DSS must each post and regularly update on their respective websites a list of the identified programs offered.

The act also requires each public higher education institution to annually notify students about SNAP by any means of communication, including by email. This notice must include (1) the program's eligibility requirements, (2) the program's application process, and (3) where to obtain assistance in completing an application for the program.

Additionally, the act requires DSS, when determining SNAP eligibility and to the extent allowed by federal law, to consider an enrolled state public college or university student to be participating in a state or federally financed work-study program as soon as the student is approved for the program as part of his or her financial aid package, regardless of whether the student has received his or her work-study program assignment yet. Under federal law, students are eligible to receive SNAP benefits if they are actively participating in a state- or federally-funded work-study program (see BACKGROUND).

§ 8 — CHILD CARE FACILITIES NEAR REGIONAL COMMUNITY-TECHNICAL COLLEGE AND STATE UNIVERSITY CAMPUSES

The act requires BOR, in consultation with the Office of Early Childhood (OEC), to develop a plan to increase the number of OEC-licensed child care facilities (i.e., child care centers or group child care homes) on or near each regional community-technical college and state university campus. The plan must include (1) the development, expansion, and maintenance of these facilities that (a) are used by an early childhood education program for instructional purposes or (b) provide evening and weekend child care services in accordance with college or university course schedules and (2) an estimated budget and implementation timeline for the development of additional child care facilities.

Under the act, the plan's goals are the following:

1. provide quality child care services for the staff, students, and surrounding community of each campus;
2. address the child care needs of nontraditional students; and
3. foster relationships between the colleges and universities and their surrounding communities.

The act requires BOR to submit the developed plan to the Appropriations and Higher Education and Employment Advancement committees by January 1, 2023.

BACKGROUND

Student Eligibility for SNAP

Students enrolled at least half-time at a higher education institution are generally ineligible for SNAP unless they qualify for an exemption. These exemptions include participating in (1) a state- or federally-financed work-study program during the regular school year or (2) an eligible employment and training program (7 C.F.R. § 273.5).

A student participating in a state- or federally-financed work-study program is eligible for SNAP under the exemption if (1) he or she is approved for work-study at the time of application for SNAP benefits, (2) the work-study is approved for

the school term, and (3) he or she anticipates actually working during that time. The exemption begins the month the school term starts or the month the work-study is approved, whichever is later (7 C.F.R. § 273.5(b)(6)).

PA 22-123—SB 105
Higher Education and Employment Advancement Committee

AN ACT CONCERNING RECOMMENDATIONS BY THE OFFICE OF HIGHER EDUCATION AND EXTENDING THE TIME TO CONDUCT A SEXUAL MISCONDUCT CLIMATE ASSESSMENT AT INSTITUTIONS OF HIGHER EDUCATION

TABLE OF CONTENTS:

SUMMARY: This act makes various changes in the laws governing private occupational schools and higher education institutions overseen by OHE. It also makes technical and conforming changes.
EFFECTIVE DATE: July 1, 2022, unless otherwise noted below.

§ 1 — DEPARTMENT HEAD

Makes the OHE executive director a "department head" appointed by the governor and subject to legislative approval

The act adds OHE's executive director to the statutory list of "department heads" appointed by the governor and subject to legislative approval. Existing law already requires the governor to appoint the executive director with confirmation by the legislature.

§ 2 — INFORMATION ON POSTSECONDARY EDUCATION OPPORTUNITIES

Requires OHE to spread information on postsecondary education opportunities throughout the state

The act requires OHE to spread information throughout the state about postsecondary education opportunities in the state. By law, OHE regulates the state's independent colleges and universities, licenses in-state academic programs offered by out-of-state institutions, and regulates postsecondary career schools, among other things. The act eliminates a provision allowing the Board of Regents for Higher Education to prescribe additional responsibilities for OHE's executive director.

§§ 3-10 — OVERSIGHT OF HIGHER LEARNING PROGRAMS

Makes various changes to OHE's academic program approval process for independent higher education institutions

The act standardizes various statutory references to OHE's "licensure," "approval," and "accreditation" of higher education institutions by replacing these terms with "authorization," which it defines as OHE's approval to operate a higher learning program or higher education institution for subsequent periods and confer specified degrees. Under existing law, a "program of higher learning" that OHE regulates is any course of instruction for which college- or university-level credit may be given or received by transfer. The act specifies that this includes any course offered by dual enrollment.

Appeal of Application Denial (§ 3)

Prior law required OHE to establish academic review commissions to hear each individual appeal of a denial of an application for a higher learning program's or higher education institution's licensure or accreditation. For each appeal, OHE had to select a nine-person commission from a panel appointed by legislative leaders and the governor, which had to review the appeal and decide on it within 30 days. The act instead requires OHE to conduct a hearing on the appeal under the Uniform Administrative Procedure Act.

Focused and On-Site Reviews (§ 3)

The act requires the OHE executive director or his designee to conduct a focused or on-site review of an application for program modifications, nonsubstantive changes, or authorizations if he determines that further review is needed due at least in part to the higher education institution's financial condition indicating that it is at risk of imminent closure, as determined through the financial screening required by the act (see § 4). Existing law already requires a focused or on-site review if further review of an application is needed due to the applicant offering instruction in a new higher learning program or new degree level.

By law, a "focused review" is one conducted by an out-of-state curriculum expert and an "on-site review" is a full team evaluation by OHE at the higher education institution (CGS § 10a-34(e)).

Accreditation by Another Entity (§ 3)

Prior law required OHE to accept, unless it found cause not to, (1) regional accreditations that satisfied its requirements and (2) national accreditation for Connecticut institutions accredited before July 1, 2013. The act instead requires OHE to accept accreditation recognized by the U.S. Department of Education secretary unless it finds cause not to accept it.

Financial Conditions (§ 3)

The act allows OHE, for any program or institution accredited or authorized to award degrees granted under the law before July 1, 1965, to discontinue the accreditation or authority if OHE finds the institution is at risk of imminent closure,

as determined through a financial screening conducted under the act (see § 4).

Financial Screenings and Imminent Risk of Closure Determinations (§ 4)

The act requires OHE to enter into a memorandum of understanding with one or more accrediting agencies (i.e., accrediting associations recognized by the U.S. Department of Education secretary) to conduct an annual financial screening of each independent higher education institution. If the institution does not annually complete a financial screening with an accrediting agency, then OHE must conduct the screening, in a form and way OHE's executive director prescribes.

Under the act, OHE may determine that an independent higher education institution is at risk of imminent closure through (1) an OHE-conducted financial screening (i.e., a review and evaluation of financial information to determine whether the institution's financial status puts it at risk of imminent closure) or (2) OHE's acceptance of an accrediting agency's determination.

Under the act, an independent higher education institution is "at risk of imminent closure" if OHE determines it is at risk of being unable to continue operations or substantially fulfill its obligations to enroll and admit students for the balance of the current and subsequent academic year.

The act requires OHE, upon determining that an independent higher education institution is at risk of imminent closure, to submit a summary of the reasons for the determination to the institution. Once an institution receives the summary, it must submit to the office, in a form and manner prescribed by OHE's executive director, (1) notice of any known financial liability or risk, (2) any information needed to accurately determine and monitor the institution's financial status and risk of imminent closure, and (3) an updated closure plan approved by the institution's governing board.

Under the act, if an independent higher education institution fails to comply with the above requirements, the OHE executive director may (1) request to suspend state funding designated for the institution, (2) establish a date to suspend or revoke the institution's degree-granting authority, or (3) impose other penalties he deems appropriate.

The act exempts financial information and records submitted to OHE for this purpose from disclosure under the state's Freedom of Information Act.

Closure Plan Updates (§ 6)

Beginning July 1, 2023, when an independent higher education institution receives a summary from OHE indicating risk of imminent closure, the act requires the institution's governing board to update the institution's closure plan to include plans for the following actions:

1. providing notice of impending closure to the institution's relevant stakeholders (e.g., enrolled students, applicants, recent graduates, faculty, staff, and surrounding communities);
2. disseminating information on student borrowers' rights and responsibilities;
3. managing the institution's finances, accreditation status, and any compliance issues with federal or state financial aid programs; and
4. refunding student deposits and paying the cost of student record maintenance through means such as providing a surety bond or a letter of credit in an amount to meet these costs.

EFFECTIVE DATE: July 1, 2022, except provisions on OHE's memo of understanding for financial screenings, related notice requirements, and suspension requests (§ 4) are effective July 1, 2023.

§§ 8, 11-12, 16, 18, 21, 23-25 & 27-42 — PRIVATE CAREER SCHOOLS

Renames "private occupational schools" as "private career schools" in various statutes

The act renames "private occupational schools" as "private career schools" and makes related conforming changes throughout the statutes. As under prior law, these schools are postsecondary career schools operated by a person, board, association, partnership, limited liability company, or other entity offering instruction in any trade or industrial, commercial, service, professional, or other occupation for a renumeration, consideration, reward, or fee. These schools do not offer (1) publicly supervised and controlled instruction, (2) employee or member training by a firm or organization, (3) instruction from a school authorized by the legislature to confer degrees, or (4) instruction in the arts or recreation.

Under the act, when the term "private occupational school" appears in any 2022 public or special act, it must be substituted with the term "private career school." The act requires the Legislative Commissioners' Office (LCO) to make technical, grammatical, and punctuation changes as necessary in codifying this section's provisions.

EFFECTIVE DATE: July 1, 2022, except the provision requiring LCO to make related changes is effective upon passage.

§§ 12-14 — APPLICATION PROCESS

Modifies the private career school authorization certificate application requirements and process; removes the time limit on a private career school's irrevocable letter of credit; and requires a private career school to provide evidence to OHE that it has the financial resources to serve its students in order to renew its authorization certificate

Application Requirements, Fees, and Evaluation Teams (§ 12)

Application Requirements. The act eliminates requirements for specific information on the application for a certificate of authorization, including the names and addresses of all school stockholders and the proposed student enrollment agreement and school catalog. The act instead requires OHE to prescribe forms for the application.

It also requires (1) OHE to adopt regulations specifying the nonrefundable initial application fee amount and (2) each initial authorization application submitted to be accompanied by the fee once the regulations become effective. By law, anyone seeking to offer occupational instruction must submit an application to the OHE executive director or designee.

Evaluation Team. By law, OHE must appoint an evaluation team for applicants seeking to offer occupational instruction. Existing law establishes the team's membership, procedures for challenging membership, and its duties, which include (1) conducting on-site inspections, (2) submitting noncompliance reports, (3) giving the school 30 days to provide evidence of compliance, and (4) submitting a final recommendation within 120 days after the inspection. Existing law also requires the evaluation team to consider certain factors (e.g., whether the school has adequate space, equipment, instructional materials, and personnel for the instruction offered).

The act requires OHE to appoint evaluation teams under this existing law until new regulations become effective. Then OHE must appoint an evaluation team in accordance with the regulations, and the evaluation team must submit a written report to the OHE executive director recommending authorization or nonauthorization after an on-site inspection.

Hospitals and Barbering or Hairdressing Schools. The act eliminates provisions that required hospitals offering postsecondary career instruction to obtain a certificate of authorization and OHE to prioritize hospitals based on the size and scope of instruction offered.

The act also eliminates provisions that required schools offering postsecondary career instruction in barbering or hairdressing to get a certificate of authorization.

Credit Requirement (§ 13)

By law and unchanged by the act, a private career school must file with the OHE executive director an irrevocable letter of credit, issued by a bank with its main office or branch in Connecticut, guaranteeing the school's payments to the Private Career School Student Protection Account. Under prior law, the letter of credit was for $40,000. Under the act, OHE must set the amount in regulations.

The Private Career School Student Protection Account is used to refund tuition to students unable to complete a course at a private career school because the school goes bankrupt or closes (CGS § 10a-22u).

The act removes the time limit on the irrevocable letter of credit and requires OHE to set the associated penalty amount in regulations. Under prior law, the letter of credit was released 12 years after the date of initial approval.

Renewal Application (§ 14)

The act also requires a private career school to provide evidence to OHE, as part of its renewal application and at the executive director's discretion, that it has adequate financial resources to serve its current students for OHE to renew its certificate of authorization to operate.

§§ 14, 15 & 19-22 — FEES, FINES, AND OTHER PAYMENTS IN REGULATIONS FOR PRIVATE CAREER SCHOOLS

Requires OHE to establish certain fees, fines, penalties, and other payments in regulations and eliminates amounts set in statute when the regulations become effective

The act sunsets certain fee, fine, and payment amounts set in statute and instead requires OHE to set them in regulations. Prior law set the following fines, fees, and other payments for private career schools:

1. renewing a certificate: $200 for each school and $200 for each branch;
2. changing ownership: $2,000, plus $200 for each in-state branch;

3. violating laws or regulations governing private career schools: $500 per day;
4. operating without a certificate of operation: $500 per day; and
5. failing to comply with school closure requirements: $500 per day.

Existing law requires OHE to make regulations to carry out its duties. The act specifies that the regulations may prescribe fines, fees, or penalties instead of the amounts established under prior law. Under the act, the statutory amounts described above are only effective until OHE regulations setting amounts for these payments become effective. After the regulations become effective, applicants must submit nonrefundable application fees in the amounts established in regulations.

§ 17 — DISTANCE LEARNING PROGRAMS

Requires private career schools to request authorization to offer existing or new programs through a distance learning program

The act requires an OHE-authorized private career school to request authorization to offer existing or new programs through a distance learning program at least 60 days before establishing the program. Existing law already requires an OHE-authorized private career school to request authorization to establish and operate additional classroom sites or branch schools at least 60 days before establishing the new location.

By law, a "distance learning program" is a program of study in which lectures are broadcast or classes are conducted by correspondence or over the internet, without requiring a student to attend in person (CGS § 10-22h).

§ 26 — PRIVATE CAREER SCHOOL STUDENT BENEFIT ACCOUNT

Requires the advisory committee tasked with assisting the OHE executive director in administering the Private Career School Student Benefit Account to be established only when there are available funds to award

The act requires the advisory committee tasked with assisting the OHE executive director in administering the Private Career School Student Benefit Account to be established only when there are funds available in the account. By law, the account awards financial aid grants to benefit students.

§ 44 — REPEALER

Eliminates a requirement that hospital-based occupational schools pay annual fees and quarterly assessments into the Private Career School Student Protection Account

The act eliminates a requirement that hospital-based occupational schools pay (1) a $200 annual fee to the Private Career School Student Protection Account for each year after the school's initial authorization period, (2) quarterly assessments on tuition revenue, and (3) a $200 certificate renewal fee.

PA 22-126—sSB 279
Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE LEGISLATIVE COMMISSIONERS' OFFICE REGARDING MINOR AND TECHNICAL CHANGES TO THE HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT STATUTES

SUMMARY: This act makes a conforming change in the statute establishing the Board of Regents for Higher Education, increasing its total membership count by one to account for the 2021 addition of the Office of Workforce Strategy's chief workforce officer to the board (§ 2).

It also makes conforming changes in (1) laws governing CHESLA's ability to offer education financing assistance (§ 5) and (2) various workforce development statutes (§§ 6-10).

Additionally, it makes several technical changes to the higher education, education, and workforce development statutes.

EFFECTIVE DATE: Upon passage, except the provision on CHESLA's financing authority (§ 5) takes effect on October 1, 2022.

PA 22-30—sHB 5205
Housing Committee
Appropriations Committee

AN ACT CONCERNING FAIR RENT COMMISSIONS

SUMMARY: This act requires municipalities (i.e., towns, cities, and boroughs) with populations of at least 25,000, based on the most recent decennial census, to have a fair rent commission (see BACKGROUND). Prior law generally authorized all municipalities, regardless of their size, to create a commission. Under the act, the legislative body of an affected municipality must adopt an ordinance creating a commission by July 1, 2023. Within 30 days after doing so, the chief executive officers of these municipalities must (1) notify the Department of Housing commissioner and (2) send her a copy of the ordinance.

Under the act, any two or more municipalities authorized but not required to create a fair rent commission may establish a joint commission through their legislative bodies. Under prior law, this authorization applied to all municipalities, except those required to create a fair rent commission by June 1, 1991 (i.e., municipalities with more than 5,000 renter-occupied units that (1) did not have a fair rent commission on October 1, 1989, and (2) failed to hold a vote of their legislative body on creating a commission). The act eliminates this obsolete provision.
EFFECTIVE DATE: October 1, 2022

BACKGROUND

Fair Rent Commission Powers

By law, fair rent commissions may (1) control and eliminate excessive rental charges and (2) carry out certain landlord-tenant statutes. Specifically, commissions have the power to conduct studies and investigations; hold hearings; receive rent complaints; require people to appear at hearings; issue subpoenas and administer oaths; and issue, continue, review, amend, terminate, or suspend orders and decisions.

PA 22-21—SB 198
Human Services Committee

AN ACT CONCERNING THE ADVISORY BOARD FOR PERSONS WHO ARE DEAF, HARD OF HEARING OR DEAFBLIND

SUMMARY: This act modifies the Advisory Board for Persons Who are Deaf, Hard of Hearing or Deafblind by eliminating from its membership the governor's liaison to the disability community. In doing so, it reduces the advisory board's (1) membership from 11 to 10 and (2) chairpersons from three to two.

Under prior law, the board's three chairpersons were the aging and disability services commissioner, the governor's liaison to the disability community, and one board member chosen by a majority of the board. The act instead requires the advisory board to elect two chairpersons from among its members.

By law, the advisory board (1) monitors services for people who are deaf, hard of hearing, or deafblind, (2) periodically meets with relevant executive branch agency heads to discuss best practices and gaps in services, (3) refers complaints to Disability Rights Connecticut, and (4) makes recommendations to the governor and the Human Services Committee (CGS § 46a-27).
EFFECTIVE DATE: July 1, 2022

PA 22-31—sHB 5230
Human Services Committee
Judiciary Committee

AN ACT CONCERNING STANDARDS FOR INTERPRETERS FOR DEAF, DEAFBLIND AND HARD OF HEARING PERSONS

SUMMARY: This act makes several changes related to interpreters registered with the Department of Aging and Disability Services (ADS).

Existing law establishes qualifications for interpreters generally and additional requirements for interpreting in educational, medical, or legal settings. Under the act, settings that are not educational, medical, or legal are "community settings" and may include everyday life activities such as information sharing, employment, social services, entertainment, and civic and community engagements. The act retains existing interpreter qualification requirements for these settings.

For medical and legal settings, the act expands the acceptable qualifications for registered interpreters to include holding an Approved Deaf Interpreter credential from the Massachusetts Commission on the Deaf and Hard of Hearing. Also, the act makes a minor change to specify that the circumstances under which interpreters must be credentialed for medical settings are those in which "physical health, mental health, or both" are discussed, rather than those in which "health and wellness" are discussed.

The act establishes penalties for certain acts of false representation. It also eliminates a provision allowing people to report violations of interpreter credentialling laws to the state's protection and advocacy system (i.e., Disability Rights Connecticut).

The act requires ADS to categorize interpreters on its online list of registered interpreters by the settings for which they are qualified. It also requires ADS, the Department of Children and Families (DCF), the Department of Mental Health and Addiction Services (DMHAS), and the Department of Social Services (DSS) to provide information about certain services on their websites.

Lastly, the act makes technical and conforming changes (e.g., updating terminology by changing from "deaf-blind" to "deafblind"; replacing references to the Department of Rehabilitation Services with ADS).
EFFECTIVE DATE: October 1, 2022

WEBPAGE REQUIREMENTS

The act requires several agencies to provide online information about services. Specifically, it requires:

1. ADS to establish a webpage with information on services for deaf, deafblind, and hard of hearing people, including services it provides and those that DCF, DMHAS, and DSS provide, and
2. DCF, DMHAS, and DSS, on their websites, to maintain information about services for people with disabilities and link to ADS's page on services for deaf, deafblind, and hard of hearing people.

FALSE REPRESENTATION PENALTIES

The act makes it a class C misdemeanor, punishable by a fine of up to $500, three months imprisonment, or both, for someone to (1) engage in willful or fraudulent misrepresentation in an attempt to register with ADS or (2) falsely represent himself or herself as registered. However, an interpreter is not guilty of the latter merely because his or her registration renewal was delinquent for up to 30 days.

PA 22-32—sHB 5231
Human Services Committee

AN ACT CONCERNING DATA COLLECTION TO PREVENT MALNUTRITION AMONG SENIOR CITIZENS

SUMMARY: This act requires the state's five area agencies on aging (AAAs, see BACKGROUND) to distribute and collect nutritional risk assessment surveys to and from older persons and report individual and average scores for their service areas to the Department of Aging and Disability Services (ADS, which distributes both federal and state matching funds to the AAAs for elderly nutrition programs).

The law requires ADS, in consultation with the AAAs, to evaluate its allocation of federal funds received under Title III B (home- and community-based services) and III C (nutrition services) of the Older Americans Act, which must be allocated equitably to the AAAs and as federal law requires. The act requires ADS to additionally evaluate the allocation of state funding to AAAs for elderly nutrition and social services. It requires the department to evaluate both federal and state funding allocations for elderly nutrition services based on factors including (1) elderly population data from the most recent U.S. census and (2) the average and individual assessment scores. Under the act, ADS must also solicit and consider information and recommendations from Elderly Nutrition Program (see BACKGROUND) providers.

Prior law required ADS, in consultation with the AAAs, to report its findings or recommendations on the allocation evaluation, as well as service level and cost data, to the Appropriations and Human Services committees. The act instead requires ADS to report to the Aging, Appropriations, and Human Services committees by July 1, 2023, on:

1. the collected survey data;
2. for each Meals on Wheels provider (i.e., delivering ready-to-eat meals to home-bound clients), (a) the reimbursement rates compared to their cost to provide these meals, (b) their administrative expenses, and (c) the number of providers that have reduced or eliminated deliveries based on inadequate state reimbursement; and
3. any recommended changes in how the funds are allocated.

EFFECTIVE DATE: July 1, 2022

BACKGROUND

Area Agencies on Aging (AAAs)

The state's five AAAs are private, nonprofit planning and service agencies for older adults that receive state and federal funds to carry out the federal Older Americans Act's (i.e., Title III) requirements. Generally, they plan, coordinate, evaluate, and act as brokers for older adult services. They award funds to local agencies, which in turn provide meals and related social services at local sites.

Elderly Nutrition Program

The Elderly Nutrition Program is open to individuals age 60 or older, their spouses (regardless of age), and some individuals with disabilities under the age of 60. It provides congregate meals and home-delivered meals. Three streams of federal funding support the Elderly Nutrition Program: (1) Title III C-1, which funds congregate meals at community sites; (2) Title III C-2, which funds home-delivered meals; and (3) the Nutrition Services Incentive Program, which provides incentive funding for meals to states. In addition, state funds support meals and nutrition services and provide the required federal match.

PA 22-53—HB 5228
Human Services Committee

AN ACT CONCERNING THE CHAIRPERSONS OF THE AUTISM SPECTRUM DISORDER ADVISORY COUNCIL

SUMMARY: This act removes the DSS commissioner, or her designee, as an ex-officio co-chair of the Autism Spectrum Disorder (ASD) Advisory Council. It instead requires all three chairpersons to be elected by and from the council's members, but at least two chairs must be a (1) person with ASD, (2) parent or guardian of a child with ASD, or (3) parent or guardian of an adult with ASD.
EFFECTIVE DATE: July 1, 2022

BACKGROUND

Autism Spectrum Disorder Council

By law, the council consists of 25 members, including persons with the disorder, their parents or guardians, advocates, and service providers. The council must advise DSS on policies and programs for people with ASD, services provided by the department's Division of Autism Spectrum Disorder Services, and implementation of the autism feasibility study's recommendations. It may also recommend policy and program changes to the DSS commissioner (CGS § 17a-215d).

PA 22-60—HB 5336
Human Services Committee
Judiciary Committee

AN ACT APPLYING THE PROVISIONS OF THE INDIAN CHILD WELFARE ACT TO CHILD CUSTODY, PLACEMENT, ADOPTION AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS INVOLVING AN INDIAN CHILD

SUMMARY: This act requires the children and families commissioner to make sure that any action or proceeding under the child welfare laws involving an American Indian child's custody or placement in a foster or adoptive home, or the termination of the child's parents' parental rights, is according to the federal Indian Child Welfare Act (ICWA) (see BACKGROUND).

The act similarly requires the probate court, or the Superior Court in contested cases, to make sure that any action or proceeding under the probate laws for these same matters is also done according to ICWA.

Under the act and ICWA, an "Indian child" is an unmarried person under age 18 and either (1) a member or citizen of an Indian tribe or (2) eligible for membership or citizenship in an Indian tribe and the biological child of an Indian tribe member or citizen.
EFFECTIVE DATE: Upon passage

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 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.).

PA 22-78—HB 5229
Human Services Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO HUMAN SERVICES-RELATED STATUTES

SUMMARY: This act makes a number of technical changes to various laws affecting human services.
EFFECTIVE DATE: Upon passage

PA 22-105—sHB 5342
Human Services Committee

AN ACT CONCERNING MEMBERSHIP OF THE LOW-INCOME ENERGY ADVISORY BOARD

SUMMARY: This act increases the Low-Income Energy Advisory Board's membership by six members. Specifically, it increases, from one to two, the number of community action agency representatives on the board as designated by the Connecticut Association for Community Action. It also adds the following five members:

1. the Connecticut Fair Housing Center, Center for Children's Advocacy, and Connecticut Green Building Council executive directors and
2. two water company representatives designated by the Connecticut Water Works Association.

By law, and under the act, a water company is generally any entity that owns, maintains, operates, manages, controls, or employs any pond, lake, reservoir, well, stream, or distributing plant or system that supplies water to two or more consumers (generally, buildings) or 25 or more people on a regular basis (CGS § 25-32a).

The act also makes a minor change to include on the board the AARP Connecticut state director, rather than its Connecticut president.

By law, the board advises executive branch agencies on developing, planning, implementing, and coordinating energy-assistance-related programs and policies. The board also (1) advises the Department of Energy and Environmental Protection (DEEP) on the impacts of utility rates and policies and (2) makes recommendations to the legislature on administering the federal Low-Income Home Energy Assistance Program block grant. The board includes representatives from (1) executive branch agencies (i.e., DEEP, the Office of Policy and Management, the Public Utilities Regulatory Authority, and the Department of Social Services); (2) electric and gas utilities; and (3) advocacy and nonprofit organizations (CGS § 16a-41b).
EFFECTIVE DATE: July 1, 2022

PA 22-137—SB 194
Human Services Committee

AN ACT AUTHORIZING THE DEPARTMENT OF SOCIAL SERVICES TO CONTRACT WITH OTHER STATES

SUMMARY: Existing law allows the Department of Social Services commissioner to contract for facilities, services, and programs to implement the department's statutory purposes. This act explicitly allows her to enter into up to five contracts with other states for this purpose.
EFFECTIVE DATE: Upon passage

PA 22-138—sSB 289
Human Services Committee

AN ACT CONCERNING OVERSIGHT AND FUNDING OF THE CONNECTICUT FATHERHOOD INITIATIVE

SUMMARY: This act repeals the John S. Martinez Fatherhood Initiative and replaces it with the "Connecticut Fatherhood Initiative" (CFI) with the same or similar purposes and objectives. It also establishes a (1) council to provide general oversight of the initiative, generally codifying existing practice, and (2) dedicated office within DSS for administrative support.

EFFECTIVE DATE: Upon passage

INITIATIVE ORGANIZATION AND OBJECTIVES

The act creates the Office of the Connecticut Fatherhood Initiative within DSS to be overseen by its commissioner (the prior initiative was established within available appropriations under DSS). Although its funding is unspecified, this new office must perform administrative duties on CFI's behalf according to a strategic plan developed and implemented by the initiative with the council's approval.

In comparison to the prior initiative's emphasis on children eligible or formerly eligible for services funded by the federal Temporary Assistance for Needy Families (TANF) block grant (i.e., Temporary Family Assistance, the state's cash assistance program for low-income families), the new initiative more broadly emphasizes children from low-income families, regardless of their eligibility for TANF-funded services. The act also partially changes the new initiative's charge. Whereas the prior initiative had to identify certain services, including those that increase the ability of fathers to meet the financial and medical needs of their children through employment services and child support enforcement measures, the new initiative must instead identify services that increase fathers' abilities to meet their children's financial and emotional needs.

COUNCIL OVERSIGHT

The act establishes a CFI Council to approve the initiative's work, including implementing objectives through a strategic plan the initiative develops. It requires the council to actively participate in efforts that further these objectives, including: (1) fostering collaboration between state agencies that provide services for fathers and families; (2) coordinating comprehensive services, ensuring their continuity, heightening their impact, and avoiding duplication; and (3) supporting fathers of children eligible, or formerly eligible, for TANF-funded services.

The council is composed of at least 28 members as outlined in the table below. The DSS commissioner serves as a council chair, designates a co-chair from among the membership, and fills any vacancies within her appointments.

CFI Council Membership

Ex-Officio Members (or Designees)	*DSS Commissioner Appointments*
Commissioners of: children and families, correction, developmental services, early childhood, education, housing, labor, mental health and addiction services, public health, social services, and veterans affairs	Five members, each with expertise in one of the following areas: (1) legal assistance to low-income populations, (2) family relations, (3) male mental and physical health, (4) domestic violence, and (5) child development
Board of Pardons and Parole chairperson	One or more representatives of local fatherhood programs
Executive director of the Court Support Services Division and director of the Support Enforcement Services Division of the judicial branch	Three members, each representing the interests of one of the following stakeholders: (1) custodial parents, (2) noncustodial parents, and (3) children
Chief family support magistrate	Governor's Workforce Council representative
President of the Connecticut State Colleges and Universities	Regional workforce development board representative
Director of DSS's Office of Child Support Services	

The act requires the DSS commissioner to convene the council by June 26, 2022. The council then must continue to meet at least quarterly. The act also authorizes the commissioner to (1) designate a working group of council members to carry out specific required duties and (2) seek the advice and participation of any person, organization, or state or federal agency she deems necessary to carry out the act's provisions.

INITIATIVE FUNDING & REPORTING

Prior law required the DSS commissioner, within available resources, to apply for any available federal and private funds for programs that promoted the prior initiative's objectives. Under the act, she must also do this for the new initiative,

but in consultation with the council. The act also requires her to consult with the council when establishing grant eligibility and use the same minimum criteria and requirements as under prior law to (1) award grants from any of these available funds and (2) condition their receipt.

Prior law required the commissioner to annually report to the Children and Human Services committees on the grant program's effectiveness in achieving initiative objectives. Starting by December 1, 2022, the act requires her to annually do so in consultation with the council and to also report to the Appropriations Committee.

PA 22-145—sSB 286
Human Services Committee

AN ACT CONCERNING ELDER ABUSE REPORTING DEADLINES, TEMPORARY FAMILY ASSISTANCE, CERTIFICATES OF NEED FOR LONG-TERM CARE FACILITIES AND CIVIL PENALTIES FOR NURSING HOMES THAT FAIL TO USE RATE INCREASES FOR EMPLOYEE WAGE ENHANCEMENTS

TABLE OF CONTENTS:

§ 1 — SHORTENED REPORTING DEADLINE FOR SUSPECTED ELDER ABUSE

Reduces, from 72 hours to 24 hours, mandated elder abuse reporting timeframes, adds a training requirement for violators, and eliminates related fines for first-time offenses

The act reduces, from 72 hours to 24 hours, the timeframe within which mandated reporters must report to DSS when they have reasonable cause to suspect that an elderly person needs protective services or has been abused, neglected, exploited, or abandoned.

Under prior law, all mandated reporters who failed to report to DSS within the specified timeframe were subject to a fine of up to $500. The act eliminates the fine for a first-time failure and instead requires someone who fails to report within the required 24-hour timeframe for the first time to retake the mandatory elder abuse training and provide the DSS

commissioner with proof of successful training completion. It requires repeat violators to (1) retake the training and provide the proof of successful training completion and (2) be fined up to $500.

Under existing law, unchanged by the act, intentional failure to report is a class C misdemeanor for the first offense, punishable by up to three months in prison, a fine of up to $500, or both. Subsequent offenses are a class A misdemeanor, punishable by up to 364 days in prison, a fine of up to $2,000, or both.

EFFECTIVE DATE: July 1, 2022

§ 2 — TFA EMPLOYMENT REQUIREMENTS

Makes various changes to timelines and penalties for TFA's employment services program

By law, Temporary Family Assistance (TFA) applicants who are subject to work requirements through the employment services program must attend an assessment interview with the Department of Labor (DOL) and participate in developing an employment plan before DSS may grant them cash assistance under TFA. The act starts the 10-day timeframe for DSS to schedule an assessment interview on the day DSS completes an application interview, rather than on the day the application is made, as under prior law. It also changes the way DSS calculates penalties for a TFA participant's failure to comply with work requirements.

The act also eliminates provisions under prior law requiring DSS to terminate TFA benefits awarded to a family under certain circumstances. Specifically, the department was required to terminate these benefits when a family member who was not exempt from the program's 21-month time limit failed, without good cause, to do either of the following:

1. attend any scheduled assessment appointment or interview related to making an employment services plan, unless he or she attended a subsequently scheduled appointment or interview within 30 days after receiving DSS's notice that benefits were terminated, or
2. comply with a work requirement during a six-month extension of benefits.

EFFECTIVE DATE: July 1, 2022

Application Process and Interviews

The act requires DSS to promptly conduct an application interview with a TFA applicant to determine whether he or she is exempt from work requirements under DOL's employment services program. Under the act, if DSS determines the applicant is not exempt, the department must schedule the initial employment services interview with DOL within 10 business days after the application interview. If DSS fails to do so within that timeframe, the act prohibits DSS from delaying TFA benefits to an applicant who is otherwise eligible.

Additionally, the act eliminates a provision prohibiting DSS from delaying TFA benefits to an applicant when the department schedules the initial employment services assessment interview more than 10 business days after the applicant submits the application.

Existing law also prohibits DSS from delaying benefits when DOL does not complete the applicant's employment services plan within 10 business days after the applicant's employment services assessment interview.

Penalty Calculations

Under prior law, DSS was required to reduce a family's TFA benefits when a family member failed to comply with a work requirement without good cause, as follows:

1. for the first instance, a 25% reduction in benefits for three consecutive months;
2. for the second instance, a 35% reduction in benefits for three consecutive months; and
3. for third and subsequent instances, termination of benefits for three consecutive months.

The act instead requires DSS to reduce benefits for failing to comply with work requirements by excluding the noncompliant family member from the household when calculating the family's monthly benefit. (TFA benefits are based, in part, on household size. Generally, reducing the number of people in the household reduces the household's benefit amount.) Under the act, DSS must exclude the noncompliant family member until he or she (1) begins to comply with work requirements, (2) becomes exempt from work requirements, or (3) demonstrates good cause for failing to comply.

If only one family member is eligible for TFA and he or she fails to comply with a work requirement, prior law required DSS to terminate the family's benefits for three consecutive months. Under the act, DSS must instead reduce the family's benefit by 25% for each month the person fails to comply, and only if the failure to comply is without good cause.

§ 3 — DSS ELIGIBILITY WORKERS TO ADMINISTER OATHS

Allows DSS's eligibility workers, specialists, and supervisors to administer oaths when their assigned duties require witnessing the execution of an affirmation or acknowledgment of parentage

The act allows DSS's eligibility workers, specialists, and supervisors to administer oaths for the sole purpose of witnessing the execution of an affirmation or acknowledgment of parentage when their assigned duties include doing so. In practice, establishing children's parentage is part of the cash assistance application process under DSS's TFA program.

Existing law authorizes various people to administer oaths, including House and Senate clerks, municipal chief elected officials, and investigators employed by DSS's Office of Child Support Services.

EFFECTIVE DATE: Upon passage

§ 4 — OPENING OR SETTING ASIDE A PARENTAGE JUDGMENT

Establishes the circumstances under which the Superior Court or family support magistrate may open or set aside a judgement of parentage

The act establishes the circumstances under which the Superior Court or family support magistrate may open or set aside a judgement of parentage. Under the act, motions to open or set aside an existing judgment generally must be filed within four months after the date the court or family support magistrate entered the judgment. The act allows the court or family support magistrate to open or set aside the judgment if (1) there is reasonable cause or (2) a valid defense to the petition existed, in whole or in part, when the judgement was rendered, and a mistake, accident, or other reasonable cause prevented the person seeking to open or set aside the judgment from making a valid defense.

The act allows the Superior Court or family support magistrate to consider a motion to open or set aside a parentage judgment filed more than four months after the judgment if the court or magistrate finds the judgment was entered due to fraud, duress, or a material mistake of fact. The act places the burden of proof on the person seeking to open or set aside the judgment. Under the act, after determining the person meets the burden of proof, the court or family support magistrate may set aside the judgment only if doing so is in the child's best interest, based on factors under the Connecticut Parentage Act.

EFFECTIVE DATE: July 1, 2022

§ 5 — PENALTIES FOR UNAUTHORIZED USE OF RATE INCREASES EARMARKED FOR NURSING HOME STAFF WAGE ENHANCEMENTS

Allows DSS to assess a civil penalty on a nursing home that receives a rate increase to enhance its employees' wages but fails to use it for that purpose

The act allows DSS to assess a civil penalty on a nursing home that receives a rate increase to enhance its employees' wages but fails to use it for that purpose. The civil penalty is in addition to any applicable recoupment or rate decrease the law otherwise allows.

Before assessing a civil penalty, the act requires DSS to complete a department audit in keeping with the nursing home's Medicaid provider enrollment agreements. The act limits the civil penalty to half the total dollar amount of the rate increase the nursing home received but did not use to enhance employee wages. It authorizes DSS, in its sole discretion, to enter into a recoupment schedule with a nursing home so as not to negatively impact patient care. Nursing homes subject to a civil penalty may request a rehearing under provisions in existing law (see Background).

DSS's authorization to assess civil penalties under the act applies to rate increases nursing homes received before the act's effective date under last year's budget (PA 21-2, June Special Session, § 323). That act required DSS to increase nursing home rates by 4.5% in both FY 22 and FY 23 to enhance wages for employees. Under that act, facilities that received a rate adjustment for wage enhancements but failed to provide them may be subject to a rate decrease in the same amount.

EFFECTIVE DATE: Upon passage

Background — Rehearing a Rate Decision

State law allows nursing homes aggrieved by a DSS decision to apply for a rehearing within 10 days after the written notice of DSS's decision. Nursing homes must file a detailed written description of all items of aggrievement with DSS within 90 days after the written notice. DSS must issue a final decision within 60 days after the close of evidence or the date on which final briefs are filed, whichever is later. Items not resolved at the rehearing are submitted to binding arbitration

(CGS § 17b-238(b)).

§§ 6-9 — CERTIFICATES OF NEED FOR LONG-TERM CARE FACILITIES

Makes various changes to the DSS certificate of need process for certain long-term care facilities, including allowing DSS to approve requests to build nontraditional, small-house style nursing homes under certain conditions

The act makes various changes to DSS's certificate of need (CON) process for certain long-term care facilities. By law, nursing homes, residential care homes, rest homes, and intermediate care facilities for people with intellectual disabilities must generally receive DSS approval when (1) introducing new services, (2) changing ownership, (3) relocating licensed beds or decreasing bed capacity, (4) terminating a service, or (5) incurring certain capital expenditures.

Among other things, the act allows DSS to approve requests to build nontraditional, small-house style nursing homes under certain conditions and sets factors DSS must consider when deciding on these requests. It also broadens other exemptions to the general moratorium on nursing home beds.

The act adds more criteria that DSS must consider when evaluating certain types of CON requests, including requests to relocate beds.

The act allows the DSS commissioner to place conditions on any decision approving or modifying a CON request as she deems necessary. It also allows DSS to hold an informal conference with the facility when reviewing a request to discuss the CON application. If the commissioner modifies the request, the act requires her to notify the facility before issuing the decision and provide an opportunity for an informal conference to discuss the modifications.

The act subjects adverse CON decisions to provisions on proposed final decisions under the state's Uniform Administrative Procedures Act (UAPA).

The act also makes minor changes to timing and notification requirements for public hearings and makes other technical and conforming changes.

By law, the DSS commissioner must adopt regulations to implement the CON process provisions and may adopt regulations on the nursing home bed moratorium provisions.

EFFECTIVE DATE: July 1, 2022

Nursing Home Bed Moratorium

Existing law establishes a nursing home bed moratorium that generally prohibits DSS from accepting or approving requests for more nursing home beds, with certain exceptions. The act adds a new exception that allows DSS to approve a proposal to build a nontraditional, small-house style nursing home designed to enhance the quality of life for residents as long as the facility agrees to reduce its total number of licensed beds by a percentage the DSS commissioner determines in keeping with DSS's strategic plan for long-term care.

The act also broadens two existing exceptions. One exception allows DSS to approve beds associated with a continuing care facility that are not used in the Medicaid program. For this exception, the act eliminates a requirement that the ratio of proposed nursing home beds to the continuing care facility's independent living units be within applicable industry standards. For these facilities, the act also eliminates a requirement that DSS only consider the need for beds for current and prospective continuing care facility residents when considering whether there is clear public need for more nursing home beds.

Another exception allows DSS to approve licensed Medicaid nursing facility beds that will be relocated from existing facilities to a new facility under certain criteria (see below). The act additionally allows DSS to approve facilities relocated to a replacement facility under this exception.

By law, the moratorium exception that allows DSS to approve relocation of nursing home beds only applies if:

1. no new Medicaid certified beds are added;
2. due to the relocation, at least one currently licensed facility is closed in the transaction;
3. the relocation is done within available appropriations;
4. the facility participates in the Money Follows the Person demonstration project;
5. the relocation will not adversely affect bed availability in the area of need;
6. the facility receives an approved CON and obtains associated capital expenditures; and
7. the facilities included in the bed relocation and closure are in keeping with the long-term care strategic plan.

Under the act, as is generally the case under the moratorium, a proposal to relocate a nursing home bed from an existing facility to a new facility may not increase the number of Medicaid certified beds. The act also requires that the proposal result in a closure of at least one currently licensed facility.

Additionally, the act requires the DSS commissioner to consider the above criteria when evaluating a CON request to

relocate licensed nursing facility beds from an existing facility to another licensed facility or a new or replacement facility. Under the act, she must also consider priority needs identified in the long-term care strategic plan.

Factors Considered in CON Decisions

By law, when determining whether to grant, modify, or deny a CON application, the DSS commissioner must consider several factors, including:

1. the request's financial feasibility and impact on the applicant's rates and financial condition;
2. whether there is a clear public need for the request;
3. the relationship of any proposed change to the applicant's current utilization statistics;
4. the business interests and personal background of all owners, partners, associates, incorporators, directors, sponsors, stockholders, and operators; and
5. any other factor DSS deems relevant.

The act requires DSS to consider how the request contributes to the quality, accessibility, and cost-effectiveness of long-term care delivery, rather than health care delivery. It additionally requires DSS to consider the proposal's effect on utilization statistics for other facilities in the applicant's service area. The act eliminates requirements that DSS consider the request's relationship to the state health plan and include a written explanation in its decision when the decision conflicts with the plan.

Existing law requires DSS, when determining whether there is a public need for a request to relocate beds, to consider whether there is a demonstrated bed need in the towns within a 15-mile radius of the town where the proposal would relocate beds. The act specifies that this only applies to a request to relocate beds to a replacement facility, and additionally requires DSS to consider whether the proposal will adversely affect bed availability in the applicant's service area.

For applications to establish a new or replacement nursing facility, the act requires DSS to consider whether the proposed facility is a nontraditional, small-house style nursing facility and incorporates goals for nursing facilities under the long-term care strategic plan, including:

1. promoting person-centered care,
2. providing enhanced quality of care,
3. creating community space for residents, and
4. developing stronger connections between residents and the surrounding community.

Informal Conferences and Approval Conditions

By law, the DSS commissioner must grant, modify, or deny a CON request within 90 days after receiving it, with certain exceptions. The act allows DSS to hold an informal conference with the facility while it reviews the request to discuss the CON application. Under the act, if the DSS commissioner modifies the request, she must notify the facility before issuing the decision and give the applicant an opportunity for an informal conference to discuss the modifications.

The act also allows the DSS commissioner to place conditions on any decision approving or modifying a CON request as she deems necessary, including project and Medicaid reimbursement details and applicant requirements for summary and audit purposes.

CON Process for Capital Expenditures

Existing law establishes a similar process for facilities to request a CON from DSS to incur capital expenditures over $2 million or over $1 million if the expenditure increases the facility's square footage by the larger of 5,000 square feet or 5% of the existing square footage.

Like the process for other types of CON requests described above, the DSS commissioner must grant, modify, or deny a capital expenditures CON request within 90 days, with certain exceptions. The act allows her to place conditions on any decision approving or modifying a request as she deems necessary to address specified concerns, including project and Medicaid reimbursement details and applicant requirements for summary and audit purposes. However, existing law, unchanged by the act, prohibits the commissioner, or her designee, from prescribing any condition not directly related to the capital program's scope and within the facility's control. The law explicitly prohibits any condition or limitation on the facility's indebtedness in connection with a bond issued, the principal amount of any bond issued, or any other details or particulars related to the capital expenditure's financing.

Additional DSS Stipulations

For CON applications, the act allows the DSS commissioner to request that any applicant seeking to replace an existing facility reduce the number of beds in the new facility by a percentage consistent with the long-term care strategic plan. If the applicant owns or operates more than one nursing facility and seeks to replace an existing facility with a new facility, the act allows the DSS commissioner to request that the applicant close two or more facilities before approving a proposal to build a new one.

Adverse Proposed Final Decisions

Under the act, for all CON requests, if the DSS commissioner's designee recommends denying the request, the decision is subject to provisions on proposed final decisions under the state's UAPA.

Under the UAPA, if a majority of agency members who will render a final decision have not heard the matter or read the record, the decision, if adverse to the facility, may not be rendered until (1) a proposed final decision is served on the parties and (2) each has an opportunity to file exceptions and present briefs and oral argument to agency members who will render the final decision. Each proposed final decision must be in writing and include reasons for the decision, finding of facts, and a legal conclusion on each issue of fact or law necessary to the decision (CGS § 4-179).

Public Hearing Notice and Timing

For CON requests other than those to relocate beds, existing law requires that the DSS commissioner or her designee hold a public hearing. Prior law required her to do so within 30 days after receiving either a letter of intent or a CON application, whichever was received first. The act instead requires her to do so within 30 days after receiving a CON application.

Additionally, the act (1) decreases, from 14 to 10 days, the amount of advance notice DSS must give the facility and the public before the hearing and (2) requires DSS to notify the facility by email or first-class mail rather than certified mail.

PA 22-84—SB 360
Insurance and Real Estate Committee

AN ACT CONCERNING VARIOUS CHANGES TO UTILIZATION REVIEW COMPANIES LICENSURE STATUTE

SUMMARY: By law, a utilization review company must obtain a license from the insurance commissioner to operate in the state. This act requires a utilization review company to renew its license every two years, rather than annually as under prior law. It correspondingly increases the license fee from $3,000 to $6,000.

Additionally, the act requires a licensed utilization review company to file with the insurance commissioner any (1) material change to approved policies, procedures, or sample letters or (2) change to behavioral health clinical criteria. It must do this within 30 days after the change.

By law, a utilization review company conducts a review of health care services, procedures, or settings to monitor or evaluate their medical necessity, appropriateness, efficacy, or efficiency. Through utilization review, a company may make prospective, concurrent, or retrospective review benefit determinations on behalf of a health carrier (e.g., insurer or HMO) (CGS § 38a-591a(39) & (40)).
EFFECTIVE DATE: January 1, 2023

PA 22-90—sSB 358
Insurance and Real Estate Committee
Appropriations Committee

AN ACT CONCERNING REQUIRED HEALTH INSURANCE COVERAGE FOR BREAST AND OVARIAN CANCER SUSCEPTIBILITY SCREENING

SUMMARY: This act expands coverage requirements under certain commercial health insurance policies for specified procedures used to treat or prevent breast or ovarian cancer. Specifically, it:

1. expands health insurance coverage requirements for breast mammograms, ultrasounds, and magnetic resonance imaging (MRIs);
2. requires coverage of certain procedures related to breast cancer treatment, including breast biopsies; certain prophylactic mastectomies; and breast reconstruction surgery, subject to certain conditions; and
3. requires coverage for certain (a) genetic testing, including for breast cancer gene one (BRCA1) and breast cancer gene two (BRCA2), under certain circumstances; (b) post-treatment CA-125 monitoring (i.e., a test measuring the amount of the cancer antigen 125 protein); and (c) routine ovarian cancer screenings, including surveillance tests for certain insureds.

The act prohibits the policies from imposing cost sharing (i.e., coinsurance, copayments, deductibles, or other out-of-pocket expenses) for the above covered services. This cost-sharing prohibition applies to all affected policies, but it only applies to high deductible health plans (1) to the extent federal law permits and (2) so long as it does not disqualify a medical or health savings account from preferable tax treatment.

Lastly, the act makes minor changes, including adopting gender-neutral language (i.e., specifying that mammography, ultrasound, and certain other coverage requirements apply to any insured and not just women).

The act's requirements apply to fully insured individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on or after January 1, 2023, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; (4) limited benefits; or (5) hospital or medical services, including those provided under an HMO plan. They also apply to individual health insurance policies that provide limited benefit health coverage. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.
EFFECTIVE DATE: January 1, 2023

§§ 1 & 2 — HEALTH INSURANCE COVERAGE FOR BREAST CANCER SCREENINGS AND RELATED PROCEDURES

Mammograms

Existing law requires the affected insurance policies to cover a baseline mammogram for a woman aged 35 to 39 and

an annual mammogram for a woman aged 40 or older. The act expands the benefit to any insured of those ages and specifies that these covered mammograms may be diagnostic or screening mammograms.

It also requires the policies to cover a baseline mammogram for an insured who is younger than age 35 and an annual mammogram for an insured who is younger than age 40 if they are believed to be at an increased risk for breast cancer due to any of the following:

1. a family breast cancer history (or, if an annual mammogram, a family or personal breast cancer history);
2. positive genetic testing for the harmful variant of BRCA1, BRCA2, or another gene that materially increases the insured's breast cancer risk;
3. prior childhood cancer treatment that included radiation therapy to the chest; or
4. other indications the insured's physician, advanced practice registered nurse (APRN), physician assistant, certified nurse midwife, or other medical provider determines.

Breast Ultrasounds

The act requires these policies to cover diagnostic and screening ultrasounds for insureds at increased breast cancer risk due to:

1. positive genetic testing for the harmful variant of BRCA1, BRCA2, or other gene that materially increases the insured's breast cancer risk, rather than unspecified genetic testing as under prior law;
2. prior childhood cancer treatment that included radiation therapy to the chest; or
3. other indications the insured's certified nurse midwife or other medical provider determines, in addition to determinations made by a physician, APRN, or physician's assistant as under prior law.

Unchanged by the act, these policies must still cover ultrasounds if (1) a mammogram demonstrates the insured has dense breast tissue or (2) the insured is at increased risk for breast cancer based on family or personal breast cancer history. The act expands the coverage requirement to include diagnostic breast ultrasounds, rather than only screening ultrasounds as under prior law.

Breast MRIs

Prior law required the policies to cover a woman's breast MRI in accordance with American Cancer Society guidelines. The act instead requires the policies to cover both diagnostic and screening breast MRIs in accordance with the American Cancer Society guidelines for an insured who is (1) age 35 or older or (2) younger than age 35 who is at increased breast cancer risk due to the same four reasons listed above for ultrasound coverage.

Related Procedures

The act requires the policies to also cover the following:

1. breast biopsies;
2. prophylactic mastectomies for an insured at increased breast cancer risk due to positive genetic testing for the harmful variant of BRCA1, BRCA2, or other gene that materially increases the insured's breast cancer risk; and
3. breast reconstructive surgery for an insured who has had a prophylactic mastectomy or mastectomy as part of breast cancer treatment.

§§ 3 & 4 — HEALTH INSURANCE COVERAGE FOR OVARIAN CANCER SCREENINGS AND RELATED SERVICES

In addition to requiring the affected health insurance policies to cover CA-125 monitoring for ovarian cancer after treatment, the act also requires coverage of genetic testing:

1. for insureds with a family history of breast or ovarian cancer and
2. of the BRCA1, BRCA2, or other gene variant that materially increases an insured's risk for breast and ovarian cancer or any other gynecological cancer to detect an increased risk when recommended by a health care provider in accordance with the U.S. Preventive Services Task Force testing recommendations.

Additionally, these policies must cover routine ovarian cancer screenings, including any associated office or facility visit, when ordered or provided by a physician in accordance with standard medical practice. For at-risk insureds, the screening coverage includes surveillance tests. For these screenings, "at risk" means:

1. having one or more first- or second- degree blood relatives, including a parent, sibling, child, aunt, uncle, niece, nephew, half-siblings, or grandparents with ovarian or breast cancer;

2. a family history of nonpolyposis colorectal cancer; or
3. positive genetic testing for the harmful variant of BRCA1, BRCA2 or any other gene variant that materially increases the insured's risk for breast cancer, ovarian cancer, or any other gynecological cancers.

A "surveillance test" is annual screening for ovarian cancer using the following:

1. CA-125 serum tumor marker testing,
2. transvaginal ultrasound,
3. pelvic examination, or
4. any other ovarian cancer screening tests currently being evaluated by the U.S. Food and Drug Administration or the National Cancer Institute.

PA 22-91—SB 359
Insurance and Real Estate Committee

AN ACT CONCERNING THE INSURANCE DEPARTMENT'S RECOMMENDATIONS REGARDING THE STANDARD NONFORFEITURE LAW FOR LIFE INSURANCE

SUMMARY: This act lowers, from 1% to 0.15%, the floor of the guaranteed minimum interest rate that is used to calculate nonforfeiture benefit amounts for annuity contracts, including any available cash surrender or death benefits. It conforms this provision of state law to the National Association of Insurance Commissioners model act guidance for the minimum interest rate (NAIC MO-805).

If an annuity contract holder decides to terminate their contract or stop paying premiums, a nonforfeiture contract clause entitles them to a specified amount of the annuity's cash value accumulation, instead of losing or forfeiting the entire value of premiums they have already paid.

EFFECTIVE DATE: October 1, 2022, and applicable to policies delivered, issued, renewed, amended, or continued on or after that date.

PA 22-106—HB 5388
Insurance and Real Estate Committee

AN ACT CONCERNING THE INSURANCE DEPARTMENT'S RECOMMENDATIONS REGARDING VALUE-ADDED PRODUCTS OR SERVICES AND PROHIBITED INSURANCE PRACTICES

SUMMARY: This act allows certain insurance providers (e.g., insurers, fraternal benefit societies, attorneys, insurance producers, and others) to provide, under certain conditions, value-added products or services to a customer (e.g., insured, certificate holder, or applicant) at no cost or a reduced cost even though they are not specified in the customer's insurance policy. Although prior law prohibited providing a customer with any consideration or inducement not specified in an insurance policy, Insurance Department Bulletin S-18 (December 18, 2019) already made some allowance for value-added products or services.

Under the act, the value-added products or services must (1) relate to the customer's insurance coverage; (2) be designed to provide loss control, reduce claim costs, or enhance health or financial wellness, among other things; and (3) be provided in a fair and nondiscriminatory way.

The act also authorizes the insurance providers to offer or give a non-cash gift, item, or service to or on behalf of a customer in connection with an insurance contract under certain specified conditions (e.g., the offer must be at a reasonable cost and be fair and nondiscriminatory).

Additionally, the act prohibits the insurance providers from (1) offering or providing insurance as an inducement to purchase another insurance policy or (2) using the words "free" or "no cost," or words with similar meaning, in any advertisement.

Violations of the act's provisions are subject to certain existing penalties.

Lastly, the act authorizes the insurance commissioner to adopt related regulations.

EFFECTIVE DATE: October 1, 2022

VALUE-ADDED PRODUCTS OR SERVICES

Required Criteria

The act allows insurance providers to provide, under certain conditions, value-added products or services to a customer at no cost or a reduced cost even though the product or service is not specified in the customer's insurance policy.

Under the act, the product or service must relate to the customer's insurance coverage and be primarily designed to:

1. provide loss mitigation or control;
2. reduce claim costs or claim settlement costs;
3. educate about liability risks or risk of loss;
4. monitor or assess risk, identify sources of risk, or develop ways to reduce or eliminate risk;
5. enhance health or financial wellness;
6. provide post-loss services;
7. incentivize behavioral changes to improve health or reduce risk of death or disability; or
8. help administer employee or retiree benefit insurance coverage.

The cost of the product or service to the insurance provider must be reasonable in comparison to the customer's insurance premium or coverage in the insurance commissioner's opinion. Additionally, the customer must receive contact information for help with questions about the product or service.

The act requires that the product or service be offered and provided in a way that is not unfairly discriminatory in the insurance commissioner's opinion. Its availability must be based on documented, objective criteria, which the insurance provider providing the product or service must maintain and provide to the commissioner upon request.

Pilot or Test Program

Under the act, if an insurance provider does not have evidence to show the commissioner that a value-added product or service meets the above criteria, but believes in good faith that it does, then it may offer and provide the product or service as part of a pilot or test program for up to one year.

In this case, the act requires that the product or service be offered and provided in a way that is not unfairly discriminatory in the commissioner's opinion. The insurance provider also must give the commissioner advance notice about its intention to begin a pilot or test program. The commissioner must notify the provider within 21 days after receiving notice if he determines that it cannot do so.

NON-CASH GIFT, ITEM, OR SERVICE

The act authorizes insurance providers to offer or give a non-cash gift, item, or service to or on behalf of a customer in connection with the marketing, sale, purchase, or retention of an insurance contract if:

1. its cost does not exceed an amount the insurance commissioner deems reasonable per policy year per term;
2. the offer is not unfairly discriminatory in the commissioner's opinion; and
3. the customer does not have to purchase, continue to purchase, or renew an insurance policy in exchange for the gift, item, or service.

Similarly, the act allows an insurance provider to offer or give a non-cash gift, item, or service to a commercial or institutional customer in connection with the marketing, purchase, or retention of an insurance contract if:

1. its cost is reasonable compared to the insurance contract's premium in the commissioner's opinion;
2. its cost is not charged to another person;
3. the offer is not unfairly discriminatory in the commissioner's opinion; and
4. the customer does not have to purchase, continue to purchase, or renew an insurance policy in exchange for the gift, item, or service.

PENALTIES

An insurance company, attorney, producer, or other person who violates the act's provisions commits a Connecticut Unfair Insurance Practices Act violation (CGS § 38a-816(9), see BACKGROUND).

A fraternal benefit society, agent, solicitor, or other party that willfully violates the act's provisions, or neglects or refuses to comply with them, is subject to a fine of up to $4,000 (CGS § 38a-626).

BACKGROUND

Connecticut Unfair Insurance Practices Act

The law prohibits engaging in unfair or deceptive acts or practices in the business of insurance. It authorizes the insurance commissioner to conduct investigations and hearings, issue cease and desist orders, impose fines, revoke or suspend licenses, and order restitution for per se violations (i.e., violations specifically listed in statute). The law also allows the commissioner to ask the attorney general to seek injunctive relief in Superior Court if he believes someone is engaging in other unfair or deceptive acts not specifically defined in statute.

Fines may be up to (1) $5,000 per violation to a $50,000 maximum or (2) $25,000 per violation to a $250,000 maximum in any six-month period if the violation was knowingly committed. The law also imposes a fine of up to $50,000, in addition to or in lieu of a license suspension or revocation, for violating a cease and desist order (CGS § 38a-815 et seq.).

PA 22-107—HB 5389
Insurance and Real Estate Committee

AN ACT CONCERNING A STUDY TO USE CAPTIVE INSURANCE COMPANIES TO REDUCE PREMIUM RATE INCREASES FOR CONNECTICUT PARTNERSHIP LONG-TERM CARE INSURANCE POLICIES AND PEER-TO-PEER CAR SHARING

SUMMARY: This act makes changes to the state's peer-to-peer (P2P) car sharing requirements. P2P car sharing is when people share their vehicles for compensation through a platform operated by a P2P car sharing company (e.g., Turo or Getaround).

The act defines "P2P car sharing company" as a car sharing platform that connects owners with drivers to enable sharing vehicles for financial consideration, whereas prior law defined it as a person or business entity engaged in the business of operating a car sharing platform to enable P2P car sharing in the state. As under existing law, a "car sharing platform" is a physical or electronic place, including a website or software application, that allows a shared vehicle owner to make a vehicle available for P2P car sharing. (The legal effect of changing the definition from a person or legal entity to a platform is unclear.) The act also explicitly excludes motor vehicle rental contracts from P2P car sharing agreements and makes other changes to exclude car rental-related terms from P2P car sharing definitions.

The act also makes minor and technical changes to the P2P car sharing insurance requirements. Among other things, it specifies that a P2P car sharing company's assumption of liability, as required under existing law, applies to bodily injury, property damage, and uninsured and underinsured motorist or personal injury protection losses by damaged third parties. It also specifies that the law does not invalidate, limit, or restrict an insurer's ability to cancel or not renew policies.

Separately, the act requires the Insurance Department and Office of Policy and Management, within existing resources, to submit a report to the Insurance and Real Estate Committee by January 1, 2023. The report must (1) evaluate using a captive insurer to reduce premium rate increases for long-term care insurance policyholders who purchased their policies through the Connecticut Partnership for Long-Term Care and (2) include other recommendations for reducing premium rate increases for the partnership policies.

EFFECTIVE DATE: January 1, 2023, except the study requirement is effective upon passage.

PA 22-18—sSB 459
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING THE CORRECTION ADVISORY COMMITTEE, THE USE OF ISOLATED CONFINEMENT AND TRANSPARENCY FOR CONDITIONS OF INCARCERATION

SUMMARY: This act limits the amount of time and circumstances under which an incarcerated person may be held in isolated confinement and places new requirements on its use. The act also:

1. establishes the Correction Advisory Committee to, among other things, submit a list of correction ombuds candidates to the governor and meet quarterly with the ombuds (PA 22-114, § 6, adds two additional members);
2. expands the prior correction ombuds program to serve everyone in Department of Correction (DOC) custody, rather than only those under age 18, requires it to provide additional services (e.g., evaluations of DOC services to incarcerated individuals), and grants the ombuds additional powers (e.g., to privately communicate with anyone in DOC custody and to access additional materials);
3. transfers the correction ombuds program from DOC to the Office of Governmental Accountability (OGA) and adds the ombuds or his or her designee to the Governmental Accountability Commission (GAC); and
4. requires DOC's report to the Criminal Justice Policy and Planning Division about inmates on restrictive housing and administrative segregation status, which contains aggregated and anonymized data, to instead require similar, disaggregated data on those in isolated confinement.

The act also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2022, except the provisions on the Correction Advisory Committee, correction ombuds appointment, and GAC membership are effective upon passage.

ISOLATED CONFINEMENT

The act limits and places new requirements on DOC's use of isolated confinement on incarcerated individuals, including those in pretrial, presentencing, or post-conviction confinement. It specifies that these requirements do not apply to any incarcerated person convicted of capital felony or murder with special circumstances.

Under the act, "isolated confinement" means any form of confinement in a cell (except during a facility-wide emergency or lockdown or the provision of medical or mental health treatment) with less than the following time out of a cell for all incarcerated individuals:

1. four hours per day, beginning July 1, 2022;
2. in the general population, four and a half hours per day, beginning October 1, 2022; and
3. in the general population, five hours per day, on and after April 1, 2023.

The act requires that any use of isolated confinement must maintain the least restrictive environment needed for the safety of incarcerated individuals, staff, and facility security. If DOC holds an incarcerated person in isolated confinement, it must do the following:

1. ensure, within 24 hours of starting the process, that a (a) medical professional (i.e., licensed physician, physician assistant, advanced practice nurse (APRN), registered nurse, or practical nurse) conducts a physical examination and (b) therapist (i.e., licensed physician who specializes in psychiatry, psychologist, APRN, clinical or master social worker, or licensed professional counselor) conducts a mental health evaluation on the person;
2. ensure the person's safety and well-being is regularly monitored, including through a daily check-in from a therapist;
3. give the person access to (a) reading materials, paper, and a writing implement; (b) at least three showers per week; and (c) at least two hours out of the cell per day, including at least one hour for recreation; and
4. continue de-escalation efforts when applicable and appropriate to the situation.

Under the act, "de-escalation" means attempting to defuse a crisis without the use of force (i.e., a DOC employee's use of physical force or deadly physical force to compel an incarcerated person's compliance, including by restraints, chemical agents, canines, munitions, or forcible extraction from a cell, other than when responding to a psychiatric emergency).

Additionally, the act prohibits DOC from placing an individual in isolated confinement until after it has considered less restrictive measures. It also prohibits placing an individual in isolated confinement:

1. for longer than necessary, or for more than 15 consecutive days or 30 total days within any 60-day period;
2. more than once based on the same incident that was previously used for the placement; and
3. for protective custody (however, isolated confinement may be used for up to five business days while determining whether protective custody status is appropriate).

Minors

The act prohibits DOC from holding anyone under age 18 in isolated confinement. Prior law prohibited the department from placing minors in administrative segregation (i.e., placing an inmate on restrictive housing status after determining the inmate can no longer be safely managed within the correctional facility's general inmate population).

Lockdown Restriction and Reporting

The act prohibits DOC from imposing a lockdown (i.e., detaining all individuals within their cells) on an entire correctional facility, or on a portion of it, for more than 24 cumulative hours in any 30-day period to train staff.

By January 1, 2024, the act requires DOC to report to the Judiciary Committee on measures the department has taken to address the following issues:

1. the frequency, cause, and duration of lockdowns;
2. the presence of individuals with serious mental illness or developmental and intellectual disabilities in isolated confinement or on restrictive housing status;
3. efforts to increase the time an incarcerated person spends outside of his or her cell;
4. the provision of therapeutic and other pro-social programming for individuals on restrictive housing status;
5. the use of in-cell restraints; and
6. fostering cooperation and engagement with the correction ombuds and the Correction Advisory Committee.

CORRECTION ADVISORY COMMITTEE

The act establishes the Correction Advisory Committee to:

1. submit a list of correction ombuds candidates to the governor for his consideration and appointment;
2. review the correction ombuds' actions;
3. meet at least quarterly to bring matters to the correction ombuds' attention and consult on his or her services, findings, and recommendations; and
4. hold semiannual public hearings to discuss the correction ombuds' services, findings, and recommendations.

Membership

The following table shows the appointing authority, number of appointments, and appointees' required experience and qualifications.

Correction Advisory Committee Members

Appointing Authority	*Number of Appointments*	*Appointees' Experience or Qualifications*
Judiciary Committee Senate chairperson	One	Who is "directly impacted," meaning (1) a person, or the family member of a person, who was incarcerated in a DOC facility but is no longer under probation or any DOC supervision or (2) the family member of a person who is in DOC custody
Judiciary Committee House chairperson	One	With expertise in the law, specifically in the rights of incarcerated individuals
Senate president pro tempore and House speaker	One each	With demonstrated interest in advancing the rights and welfare of incarcerated individuals
Senate minority leader	One	With expertise in providing mental health care to currently or formerly incarcerated individuals
House minority leader	One	With expertise in providing medical care to currently or formerly incarcerated individuals
Governor	Three	One with experience in corrections, one with expertise in medication in a correctional setting, and one who is directly impacted

PA 22-114, § 6, increases the committee membership from nine to 11 by adding the following appointments:

1. a violent crime victim, a person who advocates for victims' rights, or an attorney who represented a violent crime victim, appointed by the Judiciary Committee House ranking member and
2. an expert in corrections, appointed by the Judiciary Committee Senate ranking member.

Appointment Procedures

The act establishes procedures that appointing authorities must follow to fill initial and vacancy appointments. Within 30 days after the act passes, or after any vacancy, each appointing authority must submit a letter designating its appointment or appointments to the Judiciary Committee, which must post the letters on its website. The Judiciary Committee chairpersons must schedule a public hearing for the proposed appointments, which must be conducted either within 40 days after the act passes or 10 days after a vacancy letter is submitted.

After the hearing, the act requires each appointing authority to confirm or withdraw its appointment or appointments. An appointing authority who withdraws an appointment must, within 10 days of the withdrawal, submit a new letter to the Judiciary Committee designating a different appointment or appointments, which are subject to the process outlined above.

Committee Deadlines and Terms

Under the act, the Correction Advisory Committee chairpersons are the members the Judiciary Committee chairpersons appointed. The advisory committee chairpersons must schedule and hold the first committee meeting within 60 days after the act passes.

Under the act, committee members serve four-year terms, except that their initial term runs for four years from February 1, 2023. Each member may serve up to two terms. In the event of a vacancy, a vacancy appointment serves the remainder of the original member's term and may be reappointed for up to two more terms.

Within 10 days of each member's first meeting, the member must take an oath of office, administered by a committee chairperson, to administer the committee's affairs diligently and honestly.

Members must serve without compensation but may be reimbursed, within available appropriations, for necessary expenses they incur while serving on the committee.

Under the act, a majority of the appointed members constitutes a quorum, which is needed to conduct committee business. A majority vote of the members present is required for committee action.

Immunity

The act indemnifies committee members and requires the attorney general to represent them under the state law indemnifying state officers and employees. This law requires the state to save harmless and indemnify any state officer or employee from financial loss and expense from a claim, demand, suit, or judgment arising from his or her alleged (1) negligence, (2) deprivation of a person's civil rights, or (3) other acts or omissions causing damage or injury. Additionally, the officer or employee must have been acting in the discharge of his or her duties or within the scope of his or her employment. The law's protections do not apply if the conduct was wanton, reckless, or malicious (CGS § 5-141d).

CORRECTION OMBUDS

Correction Ombuds Applications

Within 80 days after the act passes, or within 60 days after any correction ombuds vacancy, the act requires the Correction Advisory Committee to solicit applications for the correction ombuds position and meet to consider and interview the most qualified candidates who are Connecticut residents. The committee must select between three and five of the most outstanding candidates, publish their names on its website, and hold a public hearing that allows public testimony on them. The committee must submit to the governor a list of the selected candidates ranked by committee preference.

Appointment

Within 30 days after receiving the advisory committee's list, the act requires the governor, with General Assembly approval, to appoint a person qualified by training and experience as the correction ombuds. If the candidate withdraws from consideration before being confirmed by the General Assembly, the designation must be made from the list of

remaining candidates submitted to the governor. If the governor fails to designate a candidate from the list within 30 days after receiving it, the candidate ranked first will receive the designation and be referred to the General Assembly for confirmation.

Under the act, if the legislature is not in session, the designated candidate may serve as the acting correction ombuds and be entitled to the position's compensation, privileges, and powers until the General Assembly meets to act on the appointment.

The act specifies that the appointed ombuds' initial term is two years, and he or she may serve until a successor is appointed and confirmed. The ombuds may be reappointed for succeeding terms.

Vacancy

Upon any vacancy of the correction ombuds position, the associate correction ombuds, who is designated by the Correction Advisory Committee, serves as acting correction ombuds. As acting correction ombuds, he or she is entitled to the compensation, privileges, and powers of the ombuds until the legislature meets to act on the appointment. The associate correction ombuds serves as acting correction ombuds until a candidate is confirmed by the General Assembly or, if it is not in session, until the governor designates someone.

Office of the Correction Ombuds

The act expands the prior correction ombuds program to include (1) everyone in DOC custody, rather than just those under age 18, and (2) additional services. It transfers the Correction Ombuds Office from DOC to OGA for administrative purposes and makes the correction ombuds the head of the office. Regardless of any state law, the act requires the correction ombuds to act independently of any department in performing the office's duties.

Ombuds Services

The act replaces the term "ombudsman services" with "ombuds services," which under the act, include:

1. evaluating DOC's delivery of services to incarcerated individuals;
2. periodically reviewing the procedures DOC established to carry out its statutory duties and evaluating whether the nonemergency procedures conflict with incarcerated individuals' rights;
3. receiving communications from individuals in DOC custody about department decisions, actions, omissions, policies, procedures, rules, or regulations;
4. conducting site visits of DOC correctional facilities;
5. reviewing correctional facilities' operation and nonemergency procedures, including use of force procedures;
6. recommending procedure and policy revisions to DOC;
7. taking all possible actions, including conducting public education programs, undertaking legislative advocacy, and proposing systemic reform and formal legal action to secure and ensure the rights of individuals in DOC custody, with the ombuds exhausting all means to reach a resolution before initiating litigation; and
8. publishing on its website a semiannual summary of all ombuds services and activities during the previous six months.

Under prior law, ombudsman services included the following:

1. receiving complaints from individuals in DOC custody about department decisions, actions, omissions, policies, procedures, rules, or regulations;
2. investigating complaints, rendering a decision on their merits, and communicating their decision to the complainants;
3. recommending to the DOC commissioner a resolution of any complaint found to have merit; and
4. publishing a quarterly report of all ombudsman services and activities.

Appropriations

The act requires the General Assembly to annually appropriate the amount needed to pay staff salaries, office expenses, and other actual expenses the ombuds office incurs in performing its duties. Any legal or court fees the state obtains in actions brought by the ombuds must be deposited in the General Fund.

Investigations and Corroborating Evidence

Under the act, the correction ombuds must rely on a variety of sources during investigations to corroborate matters raised by incarcerated individuals or others. If a matter turns on validating a particular incident, the ombuds must try to rely on communications from incarcerated individuals who have reasonably tried to resolve the complaint through existing DOC internal grievance procedures.

The act also requires the ombuds, in all events, to make a good faith effort to give the DOC commissioner an opportunity to investigate and respond to concerns before making them public.

Confidentiality and Exceptions

Under prior law, with exceptions, communications between someone under age 18 who is in DOC custody and the correction ombudsman were generally confidential. The act extends similar protections and exceptions to everyone in DOC custody regardless of age.

Under the act, all oral and written communications, and records relating to these communications, between a person in DOC custody and the correction ombuds staff are generally confidential and not disclosable without the person's consent. This confidential information also includes the complainant's identity, the details of the communications, and the ombuds' findings. However, the act allows the ombuds to disclose, without the person's consent, general findings or policy recommendations based on these communications so long as no individually identifiable information is disclosed. The act requires the ombuds to disclose sufficient information to the DOC commissioner, or his designee, as necessary to respond to the ombuds' inquiries or to carry out recommendations, but the information may not be further disclosed outside the department.

Regardless of the confidentiality provisions above, whenever in the course of carrying out the ombuds' duties, the ombuds or a staff member becomes aware of the commission or planned commission of a criminal act or threat that he or she reasonably believes is likely to result in death or substantial bodily harm, the act requires the ombuds to notify the DOC commissioner or an administrator of any correctional facility housing the perpetrator or potential perpetrator about the act or threat, and its nature and target.

Regardless of any state laws on confidentiality of records and information, the act grants the ombuds access to, and the right to inspect and copy, any records needed to carry out his or her responsibilities. This provision does not compel access to any record (1) protected by attorney-client privilege or the attorney-work product doctrine, (2) related to pending internal or external investigations, or (3) related to emergency procedures (i.e., procedures DOC uses to manage control of tools, keys, and armories and concerning emergency plans, emergency response units, facility security levels and standards, and radio communications).

The act allows the ombuds, in performing his or her duties, to privately communicate with any person in DOC custody. The communications are confidential except as provided by the act's provisions on corroborating matters and exceptions to confidential communications.

Under the act, the following information is confidential and exempt from disclosure under the Freedom of Information Act, except as provided by the act's provisions on corroborating matters and exceptions to confidential communications:

1. the name, address, and other personally identifying information of a person making a complaint to the ombuds;
2. information obtained or generated by the ombuds office during investigation; and
3. confidential records the ombuds or the office obtains.

Grants, Gifts, and Bequests

The act establishes a correction ombuds account as a separate, non-lapsing account in the General Fund. The ombuds may apply for and accept grants, gifts, and bequests of funds from other states and federal and interstate agencies to carry out his or her responsibilities under the act. Any funds received under this provision must be credited into this account and may be used by the ombuds to perform his or her duties.

Retaliation Prohibited

The act prohibits state or municipal agencies from discharging, or in any manner discriminating or retaliating against, any employee who in good faith makes a complaint to the correction ombuds or cooperates with the ombuds office in an investigation.

Legislative Report

Beginning by December 1, 2023, the act requires the correction ombuds to annually report to the Judiciary Committee

on the confinement conditions in the state's correctional facilities and halfway houses. The report must detail the correction ombuds' findings and recommendations.

OFFICE OF GOVERNMENTAL ACCOUNTABILITY (OGA)

The act transfers the ombuds office from DOC to OGA. By law, OGA consists of independent divisions for which the office provides consolidated personnel, payroll, affirmative action, and administrative and business office functions, including information technology associated with these functions. These divisions have independent decision-making authority, including over budgetary issues and employing necessary staff.

By law, the Governmental Accountability Commission is within OGA and is responsible for (1) recommending OGA executive administrator candidates to the governor and (2) terminating the executive administrator's employment, if necessary. The act adds the correction ombuds or the ombuds' designee as long as he or she is not a state employee, to the commission.

ANNUAL REPORT ON CERTAIN DATA

Prior Reporting Requirements

The act modifies the requirements for the report that DOC must annually submit to the Criminal Justice Policy and Planning Division. Prior law required that this report contain certain aggregated and anonymized data on inmates' restrictive housing or administrative segregation status, including the following information:

1. the number of individuals on restrictive housing status on the first day of each of the prior 12 months;
2. disaggregated data based on an inmate's age, gender identity, ethnicity, mental health score (if one exists), and the form and phase of housing in which the individual is held on restrictive housing status;
3. the number of individuals whose cumulative time on administrative segregation status falls within each of 14 specified ranges, which span from one day to more than 3,650 days;
4. the number of inmates in each correctional facility who spent more than 15 cumulative days on administrative segregation status, and disaggregated data for each; and
5. actions DOC took in the preceding 12 months to minimize reliance on administrative segregation status and efforts to mitigate the harmful effects of this status on inmates, staff, and the public.

Prior law also required DOC to publish on its website a description of any form and phase of housing used at any correctional facilities for inmates on restrictive housing status. The act eliminates this requirement.

Reporting Requirements Under the Act

Instead of the data on inmates on administrative or restricted housing status, the act requires DOC to provide similar data about incarcerated individuals in isolated confinement. Under the act, the data must be anonymous; disaggregated and broken down by facility; and include the age, race, and sex of the incarcerated individuals included in the data. The act also specifies that DOC must annually submit the report by January 1.

The act requires the report to include the number of incarcerated individuals in isolated confinement for more than 15 cumulative days in the previous calendar year, broken down by different ranges of time (16 to 30 days, 31 to 60 days, 61 to 90 days, and more than 90 days).

Under the act, the report must include the following:

1. the number of incidents, broken down by month, during the previous calendar year in DOC facilities categorized as (a) suicides, (b) attempted suicides, (c) self-harm, (d) assaults by incarcerated individuals on staff members, and (e) assaults and fights between incarcerated individuals;
2. monthly reports showing the total number of incarcerated individuals on whom DOC used force, including the use of chemical agent devices, full stationary restraints, deadly physical force, in-cell restraints, less than lethal munitions, lethal munitions, medical restraints, physical force, therapeutic restraints, cell extraction, and canines;
3. grievances (i.e., formal complaints against DOC) filed by incarcerated individuals, broken down by month, including the number dismissed, affirmed, or otherwise resolved;
4. programs offered to incarcerated individuals, including the title, a brief description, the number of available spots, and the number of individuals enrolled on the first of each month;
5. internal DOC work assignments held by incarcerated individuals, including the work assignment title, the daily wage paid, and the number of individuals in each position at the beginning of each month; and
6. external jobs held by incarcerated individuals working for outside employers, including the job title, hourly wage

paid, number of individuals in each position as of the first of each month, and employer's name.

As under existing law, DOC must publish on its website the report and the formula it uses for calculating an incarcerated person's mental health score.

ELIMINATED TRAINING AND WELLNESS REQUIREMENTS

The act eliminates the requirement that DOC, within available appropriations, (1) provide certain trainings to its employees who interact with inmates (e.g., to recognize mental illness symptoms and the consequences of untreated mental illness) and (2) take measures to promote these employees' wellness.

PA 22-19—sHB 5414
Judiciary Committee

AN ACT CONCERNING THE PROVISION OF PROTECTIONS FOR PERSONS RECEIVING AND PROVIDING REPRODUCTIVE HEALTH CARE SERVICES IN THE STATE AND ACCESS TO REPRODUCTIVE HEALTH CARE SERVICES IN THE STATE

SUMMARY: This act principally (1) limits the governor's discretionary extradition authority; (2) establishes a cause of action for persons against whom there is an out-of-state judgment based on reproductive health care services; (3) limits the assistance court officers, state agencies, and health care providers may deliver in certain actions based on these services; and (4) authorizes additional types of health care providers to perform certain abortion services.

It limits the governor's discretion to extradite individuals accused of performing acts in Connecticut that result in crimes in another state. Specifically, he may only do so if the acts would also be punishable under Connecticut's laws if their consequences, as claimed by the demanding state, had taken effect in this state.

Separately, the act establishes a cause of action that allows persons who were sued in another state for allegedly providing, or receiving support for, reproductive health services that are legal in Connecticut to recover certain costs they incurred defending the original action and bringing an action under the act.

The act also limits the assistance officers of Connecticut courts, public agencies, and certain health care providers may provide in judicial actions related to reproductive health care services that are legal in this state. With exceptions, the act generally prohibits the following with respect to these actions:

1. court officers from issuing summonses for criminal cases or subpoenas for out-of-state civil actions or proceedings;
2. public agencies, or individuals acting on their behalf, from providing information or expending resources to support an interstate investigation seeking to impose criminal or civil liability; and
3. certain health care providers, payors, or information processors from disclosing protected information without written consent from a patient or an authorized legal representative.

Under the act, "reproductive health care services" include all medical, surgical, counseling, or referral services related to the human reproductive system, and includes services related to pregnancy, contraception, and pregnancy termination. (PA 22-118, § 195, adds gender dysphoria treatments to these services. The above provisions on reproductive health care services are generally similar to PA 22-118, §§ 484-488; see BACKGROUND.)

Additionally, the act allows APRNs, nurse-midwives, and physician assistants (PAs) to perform aspiration abortions. The act also explicitly authorizes these providers to perform medication abortions, which conforms to existing practice resulting from a 2001 attorney general opinion. It specifies that these providers may perform either type of abortion in accordance with their respective licensing statutes (see BACKGROUND).

The act correspondingly specifies that the decision to terminate a pregnancy before the viability of the fetus must be made solely by that patient in consultation with the patient's physician, APRN, nurse-midwife, or PA, not just the patient and physician as under prior law.

Under the act, as under existing law, physicians may perform any type of abortion. Existing law, unchanged by the act, prohibits an abortion from being performed after the viability of the fetus except when needed to preserve the pregnant patient's life or health.

The act also makes technical changes.

(These provisions on providers authorized to provide abortions are identical to PA 22-118, § 489.)

EFFECTIVE DATE: July 1, 2022

§ 5 — LIMITS ON NON-FUGITIVE EXTRADITIONS

The act limits the governor's discretion to extradite someone accused of performing an act in this state that results in a crime in another state (i.e., the person did not flee the other state as a fugitive and neither federal law nor the U.S. Constitution would require extradition; see BACKGROUND).

Under existing law, the executive authority (i.e., governor) of another state may demand that Connecticut's governor surrender an individual located in Connecticut who is accused of committing an act here, or in a third state, that intentionally resulted in a crime in the demanding state. Under prior law, in that situation, the governor had discretion to surrender the accused. Under the act, he may only do so if the acts for which extradition is sought would be punishable under Connecticut law if their consequences, as claimed by the demanding state, had taken effect in this state.

§ 1 — RECOUPERATION OF OUT-OF-STATE JUDGMENTS RELATED TO REPRODUCTIVE HEALTH SERVICES

Cause of Action

The act creates a cause of action for persons against whom a judgment was entered in another state based on allegedly providing or receiving, or helping another person to provide or receive, or providing material support for reproductive health care services that are legal in Connecticut. For this purpose, a "person" is an individual, partnership, association, limited liability company, or corporation.

The act applies to judgments where the person's liability in the original action was entirely or partially based on these alleged actions or any theory of vicarious, joint, several, or conspiracy liability arising from them. It allows the person to recover damages from any party that (1) brought the original action that resulted in the judgment or (2) tried to enforce it.

Under the act, this cause of action is unavailable if no part of the acts that formed the basis for liability occurred in Connecticut. It is also unavailable when the judgment entered in the other state is based on a claim similar to one that exists under Connecticut law and is a:

1. tort-, contract-, or statutory-based claim brought by a patient, or their authorized legal representative, who received the reproductive health care services, for damages the patient suffered or from another individual's loss of consortium with the patient; or
2. contract-based claim brought or enforced by someone with a contractual relationship with the person who is subject to the judgment.

Recoverable Damages

Under the act, the court must award a person who successfully brings an action:

1. just damages resulting from the original action (e.g., the amount of the judgment entered in the other state and costs, expenses, and reasonable attorney's fees spent defending the action) and
2. costs, expenses, and reasonable attorney's fees spent bringing the action under the act, as the court allows.

§§ 3 & 4 — LIMITS ON COMPELLING WITNESS PARTICIPATION IN CERTAIN OUT-OF-STATE ACTIONS

Depositions

By law, judges, justices of the peace, notaries public, and Superior Court commissioners (Connecticut licensed attorneys) may subpoena and compel material witnesses to appear before (i.e., be deposed by) attorneys licensed in other jurisdictions, including for lawsuits in other states (CGS § 52-155). The act, with two exceptions, prohibits them from issuing a subpoena that relates to reproductive health care services that are legal in Connecticut.

Under the act's two exceptions, these court officers may issue a subpoena if it is for an out-of-state action for which a similar claim would exist under Connecticut law and it is a:

1. tort-, contract-, or statutory-based claim brought by a patient, or their authorized legal representative, who received the reproductive health care services upon which the original lawsuit was based, for damages the patient suffered or from another individual's loss of consortium with the patient or
2. contract-based claim brought or enforced by someone with a contractual relationship with the person who is subject to the judgment.

Testimony in Criminal Cases

By law, a Connecticut judge may issue a summons ordering a person located in this state to attend and testify in a

criminal prosecution or grand jury investigation in another state, at that other state's request, if the person is a material witness and certain other requirements are met.

The act prohibits Connecticut judges from issuing a summons when the other state's prosecution or investigation is for a violation of its law on providing, receiving, or assisting with reproductive health services that are legal in Connecticut. However, it allows a judge to issue a subpoena if the acts being prosecuted or investigated would also constitute an offense in this state.

§ 6 — LIMITS ON USE OF AGENCY RESOURCES

The act generally prohibits Connecticut public agencies, or people acting on their behalf (e.g., employees, appointees, officers, and officials), 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 (1) providing, seeking, receiving, or inquiring about reproductive health care services that are legal in this state or (2) assisting another person or entity to do so. Specifically, state agencies, and those acting on their behalf, may not expend or use time, money, facilities, property, equipment, personnel, or other resources for these purposes. These prohibitions do not apply to investigations or proceedings if the conduct at issue would be subject to liability under Connecticut's laws if committed here.

Under the act, a "public agency" is any (1) state or local governmental agency, department, institution, bureau, board, or commission, including any executive, administrative, or legislative office, and the administrative functions of any judicial office, including the Division of Public Defender Services or (2) entity that is the functional equivalent of these agencies.

§ 2 — PROHIBITED PATIENT INFORMATION DISCLOSURES

The act prohibits, with exceptions, certain covered entities that provide health care, payments, or billing services from disclosing specified information in a civil action, or a preliminary proceeding before a civil action, or a probate, legislative, or administrative proceeding. "Covered entities" are health care plans or payors; health care clearinghouses; and health care providers that electronically transmit health information pursuant to Health Insurance Portability and Accountability Act regulations (45 C.F.R. § 160.103).

Without explicit written consent from the patient or patient's legal representative (e.g., conservator or guardian), the act prohibits disclosing the following about reproductive health care services that are legal under Connecticut law:

1. communications made to a covered entity or obtained by it from a patient or the patient's legal representative or
2. information obtained by a physical examination of the patient.

It requires covered entities to inform patients or their legal representatives of the patient's right to withhold consent for these disclosures.

Exceptions

Under the act, a covered entity does not have to obtain written consent to disclose communications or information:

1. pursuant to state law or judicial branch court rules;
2. to their attorney or professional liability insurer or agent to defend against a claim, or one that is reasonably believed to occur, against the covered entity;
3. to the public health commissioner if the disclosure is for a patient's records that are related to a complaint investigation; or
4. about the abuse of a child, elderly person, incompetent person, or person with a mental or physical disability if it is known or suspected in good faith.

The act does not impede sharing medical records if state or federal law or the judicial branch's court rules allows them to be shared, except for subpoenas to produce, copy, or inspect records relating to reproductive health services. Additionally, it does not replace existing law's disclosure requirements for communications or records, as applicable:

1. between an individual and psychologist, psychiatric mental health provider, domestic violence or sexual assault counselor, marital and family therapist, or professional counselor;
2. disclosed by a mental health facility for approved research purposes;
3. to the Department of Mental Health and Addiction Services (DMHAS) commissioner by facilities or individuals under contract with DMHAS;
4. relating to a social worker's evaluation or treatment; or
5. by a physician, surgeon, or other licensed health care provider in a civil action (including a related preliminary proceeding), or a probate, legislative, or administrative proceeding.

BACKGROUND

Extraditions Required by Federal Law and the Constitution

By law, the governor does not have discretion and must extradite individuals who were present in a demanding state at the time of an alleged crime and then fled the demanding state (i.e., "fugitives"). The U.S. Constitution's Privileges and Immunities Clause, and federal and state law, require that a person charged with treason, a felony, or other crime who flees to another state be extradited to the demanding state (see 18 U.S.C. § 3182, U.S. Const., art IV, § 2, cl. 2, and CGS § 54-158). This federal extradition requirement is inapplicable when a person commits an act in this state that results in a crime in another state; states have discretion in establishing laws on non-fugitive extraditions.

Attorney General Opinion on Medical Abortions

Existing state regulations expressly allow only physicians to perform abortions (Conn. Agencies Regs., § 19-13-D54(a)). However, a 2001 Connecticut's attorney general opinion (2001-15) concluded that this restriction only applied to surgical abortions, and that state statutes allowing APRNs, nurse-midwives, and PAs to prescribe drugs authorized them, under certain conditions, to dispense or administer a drug that would medically terminate a pregnancy.

APRNs, Nurse-Midwives, and PAs

For each of these professions, the existing licensing statutes establish, among other things, certain required relationships with other providers.

APRNs must practice in collaboration with a physician for the first three years after becoming licensed in the state. They may practice without this collaboration if they have been licensed and practicing in collaboration with a physician for at least three years with at least 2,000 hours of practice (CGS § 20-87a).

Nurse-midwives must practice within a health care system. They must have clinical relationships with obstetricians-gynecologists that provide for consultation, collaborative management, or referral, as indicated by the patient's health status (CGS § 20-86b).

Each PA must have a clearly identified supervising physician who has final responsibility for patient care and the PA's performance. The functions a physician delegates to a PA must be implemented in accordance with a written delegation agreement between them (CGS §§ 20-12c & -12d).

Related Acts

PA 22-118, § 195, changes PA 22-19, as described above, by adding medical care relating to gender dysphoria treatments to the services that are considered reproductive health care services in the provisions of this act that (1) create a new cause of action for persons against whom there is an out-of-state judgment based on reproductive health care services (§ 1) and (2) limit the assistance court officers, state agencies, and health care providers may provide certain actions based on these services (§§ 2-4 & 6).

PA 22-118, § 489, is identical to this act's provision authorizing additional types of health care providers to perform certain abortion services (§ 7).

PA 22-118, §§ 484-488, is similar to this act's provisions on reproductive health care services but adds gender-affirming health care services to the services that are covered by the provisions (1) creating a new cause of action for persons against whom there is an out-of-state judgment based on these services (§ 1) and (2) limiting the assistance court officers, state agencies, and health care providers may provide in certain actions based on these services (§§ 2-4 & 6). It defines "gender-affirming health care services" as all medical care relating to the treatment of gender dysphoria.

PA 22-22—SB 204 **(VETOED)**
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 would have eliminated 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.

EFFECTIVE DATE: Upon passage and applicable to any civil action pending on or filed on or after that date.

PA 22-24—sSB 163
Judiciary Committee

AN ACT PROTECTING EMPLOYEE FREEDOM OF SPEECH AND CONSCIENCE

SUMMARY: This act generally prohibits employers from disciplining or discharging (i.e., penalizing) an employee or threatening to do so because the employee refused to attend employer-sponsored meetings, listen to speech, or view communications primarily intended to convey the employer's opinion about religious or political matters, including decisions to join labor organizations (i.e., "captive audience meetings"). The prohibition applies to private-sector employers, the state, and its political subdivisions, and it covers meetings with the employer or its agent, representative, or a designee.

The act also expands a law that prohibits employers from penalizing employees for exercising their First Amendment rights under the U.S. Constitution, or similar rights under the Connecticut Constitution, to also prohibit employers from threatening to penalize employees for doing so. By law and unchanged by the act, employees may exercise these rights as long as it does not substantially or materially interfere with their bona fide job performance or working relationship with their employer.

The act makes certain exceptions to both its prohibition on penalizing employees for refusing to attend captive audience meetings and the law's prohibition on penalizing employees for exercising their constitutional rights. Among other things, these exceptions explicitly allow employers to communicate information required by law or that the employees need to perform their jobs. It also exempts certain religious organizations' speech on religious matters made to their own employees.

In addition, the act changes the enforcement provision that applies to the law on employee constitutional rights by limiting potential awards to lost wages or compensation, with no punitive damages. It also applies this enforcement mechanism to the act's prohibition on penalizing employees for refusing to attend captive audience meetings. Employers who violate the act's provisions are also liable for a $300 civil penalty imposed by the Department of Labor (CGS § 31-69a).

EFFECTIVE DATE: July 1, 2022

POLITICAL AND RELIGIOUS MATTERS

The act prohibits employers from penalizing employees for refusing to attend employer-sponsored meetings, listen to speech, or view communications primarily intended to convey the employer's opinion about religious or political matters. Under the act, "political matters" relate to (1) elections for political office; (2) political parties; (3) proposals to change legislation or regulation; and (4) decisions to join or support a political party or political, civic, community, fraternal, or labor organization. "Religious matters" relate to (1) religious affiliation and practice and (2) decisions to join or support a religious organization or association.

EXEMPTIONS

The act allows exceptions to both its prohibition on penalizing employees for refusing to attend captive audience meetings and the law's prohibition on penalizing employees for exercising certain constitutional rights. It explicitly allows:

1. an employer to communicate to employees information (a) required by law, but only to the extent of the legal requirement, or (b) that the employees need to perform their job duties;
2. a higher education institution to meet or communicate with employees as part of coursework, a symposium, or an academic program at the institution;
3. voluntary, casual conversations between employees or between an employee and an employer's agent, representative, or designee; and

4. a requirement that is limited to the employer's managerial and supervisory employees.

Under certain circumstances, the act also creates an exemption for a religious corporation, entity, association, education institution, or society that is exempt from (1) the federal Civil Rights Act's prohibition of religious discrimination in employment or (2) the state's prohibitions on discriminatory employment practices and sexual orientation discrimination under the Connecticut Human Rights Act and related contracting provisions. The exemption applies to speech on religious matters to employees who perform work connected with performing the organizations' activities.

ENFORCEMENT

Prior law made employers that penalized employees for exercising certain constitutional rights liable for damages, including punitive damages, and reasonable attorney's fees. The act limits the potential liability in these cases to the full amount of gross lost wages or compensation, with costs and reasonable attorney's fees, but with no punitive damages or other unspecified damages. It also extends these liability provisions to employers who (1) penalize employees or threaten to do so for refusing to attend, listen to, or watch a captive audience meeting or (2) threaten to penalize employees for exercising their First Amendment rights. As under existing law, a court may award the employer costs and reasonable attorney's fees if it determines that the action was brought without substantial justification.

By law, employers who violate the act's provisions are also liable to the Department of Labor for a $300 civil penalty (CGS § 31-69a).

PA 22-26—sHB 5393
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING COURT OPERATIONS AND THE UNIFORM COMMERCIAL REAL ESTATE RECEIVERSHIP ACT

TABLE OF CONTENTS:

§§ 17 & 19 — JUDICIAL OFFICERS

Extends liability protection to attorneys who inventory certain attorneys' files and are appointed by the court under its inherent authority to regulate attorney conduct; disqualifies state referees from serving as jurors

§ 18 — CENTRALIZED INFRACTIONS BUREAU

Adds numerous violations to the list of violations handled by the Superior Court's Centralized Infractions Bureau

§§ 20, 21 & 66 — JUROR SUMMONS

Moves forward the timeline for implementing the "yield ratio" calculation for summonses

§ 22 — COURT FEES FOR INDIGENT PARTIES

Provides for appellate review of applications for a waiver of fees to start civil and habeas actions

§§ 26-29, 32 & 33 — CSSD'S FUNCTIONS, PROGRAMS, REPORTS, AND FILES

Requires the division to assist with indigent pretrial diversionary program applications; allows it to conduct pre-arraignment interviews remotely; requires the division to (1) have its records release procedures be signed by the chief court administrator and (2) develop policies and procedures for issuing certificates of rehabilitation and specifies when they may be issued

§§ 34-36 — CRIMINAL RECORD ERASURE AND DISCLOSURE

Makes any record of conviction ineligible for record erasure until the defendant has completed serving the sentence imposed for the offense or offenses for which he or she was convicted; authorizes the disclosure of erased records to victims who have started an action to enforce a financial restitution order; generally requires a record of conviction for an offense that has been decriminalized be erased, not physically destroyed

§§ 37-42 — RECREATIONAL CANNABIS LEGISLATION

Makes a technical change regarding criminal record purchasers; exempts certain probation officers from the laws that limit when cannabis odor or possession can justify a search or motor vehicle stop; requires participants of certain pretrial diversionary programs who go to an out-of-state provider to pay the fees and costs of that provider only and not also the Connecticut fees; prohibits the court from waiving out-of-state program fees and costs

§ 43 — PLEADING PARTY'S FALSE ALLEGATIONS OR DENIALS

Increases, from $10 to $500 per offense, the cap on attorney's fees that a party can recover due to a false allegation or denial

§§ 44-52 & 68 — CONNECTICUT INTERSTATE DEPOSITIONS AND DISCOVERY ACT

Adopts the Uniform Interstate Depositions and Discovery Act and applies its provisions to any request for discovery in an action pending on or filed on or after July 1, 2023

§§ 53-56 & 62-63 — FEES FOR SERVICE OF PROCESS AND OTHER DUTIES

Increases certain fees payable under the law to officers and people serving process or performing other duties for state and municipal officers, the Judicial Department, the Division of Criminal Justice, and others; sets a new mileage reimbursement rate for in-hand service of process, including those for civil orders of protection; sets new rates for actions in cases involving evictions and foreclosure ejections

§§ 57 & 58 — PROTECTIONS FOR STATE MARSHALS

Extends address confidentiality protections afforded to certain public officials under existing law to state marshals

§ 59 — CSSD'S REPORT TO COURT IN RESTRAINING ORDER CASES

Limits when the court, at a hearing on an application for a civil restraining order, may consider the report written by CSSD's family services unit

§§ 64, 65 & 67 — UNIFORM COMMERCIAL REAL ESTATE RECEIVERSHIP ACT

Delays the effective date of the Uniform Commercial Real Estate Receivership Act by one year, until July 1, 2023

SUMMARY: This act makes various unrelated changes in laws related to court procedures and operations. It also makes other minor, technical, and conforming changes. A section-by-section analysis appears below.
EFFECTIVE DATE: Upon passage, unless stated otherwise below.

§ 1 — JUDICIAL BRANCH'S AUTHORITY OVER CONSTRUCTION PROJECT OVERSIGHT

Expands 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

By law, the Department of Administrative Services (DAS) commissioner has authority over most state building construction projects (e.g., remodeling, alteration, repair, or enlargement) that cost over $500,000, with state agencies having authority over (1) their own projects under this threshold and (2) certain other projects, depending on the agency. The act expands the judicial branch's authority over its building projects by increasing, from $1.25 million to $2 million, the maximum amount the judicial branch can spend to remodel, alter, repair, or construct or make additions to public buildings while retaining control of the project.

§§ 2-7, 24, 25, 27 & 31 — CSSD SUPERVISION

Clarifies that people in certain programs and whose prosecution is suspended are under the judicial branch's Court Support Services Division's supervision, not in its custody

The act clarifies that certain people in certain programs are under the Court Support Services Division's (CSSD's) supervision, not in its custody. It does so by replacing the term "custody" with the term "supervision" in specified statutes where prosecution is suspended for:

1. alcohol and drug dependency treatment (§§ 2 & 3),
2. probation instead of trial for certain firearms-related offenses (§§ 4-7),
3. probation instead of trial for certain firearms offenses related to ghost guns (§§ 24 & 25), and
4. accelerated pretrial rehabilitation (§ 27).

It makes a similar change in a statute in which certain criminal offenders must submit to blood tests or DNA sampling before being discharged from CSSD's supervision (§ 31).
EFFECTIVE DATE: Upon passage, except (1) October 1, 2022, for the provisions on ghost guns (§§ 24 & 25) and (2) July 1, 2022, for the provision on accelerated pretrial rehabilitation (§ 27).

§ 8 — FAMILY MATTERS: LEGAL SEPARATION

Eliminates a requirement that parties who wish to have their legal separation judgment dismissed must submit a written declaration to the Superior Court stating that they have resumed marital relations

Under prior law, parties who were legally separated and who wished to have their judgment of separation dismissed were required to submit a written declaration with the Superior Court stating that they had resumed marital relations. The act eliminates this requirement and instead requires that the parties submit a written declaration stating that they no longer wish to be legally separated.

Under existing law and the act, the declaration must be signed, acknowledged, and witnessed.
EFFECTIVE DATE: October 1, 2022

§§ 9-12 & 30 — JUVENILE MATTERS

Expands the circumstances under which juvenile delinquency and youthful offender records may be disclosed; makes records for juveniles transferred to the adult criminal docket public; requires next-day arraignment for children arrested for firearms or motor vehicle offenses; changes the frequency of CSSD's report on the use of chemical agents and prone restraints on juveniles

Juvenile Offenders' Records (§ 9)

By law, records of juvenile cases involving delinquency proceedings are available only to certain persons and in specified circumstances, such as law enforcement officials and prosecutors conducting a legitimate criminal investigation. The act also allows juvenile delinquency records to be disclosed to law enforcement officials and prosecutors seeking an order to detain a child.

Juvenile Case Transferred to the Regular Criminal Docket (§ 10)

By law, when a child faces felony charges, the case is either transferred to adult court automatically or may be transferred at the prosecutor's discretion, depending on the seriousness of the alleged act (CGS § 46b-127).

Under prior law, any proceeding involving a juvenile on the regular criminal docket was private until the court rendered a verdict or a guilty plea; and records were generally only available to the crime victim. The act repeals this provision, which makes these records available to the public, in conformity with a Second Circuit Court of Appeals decision.

Next-Day Arraignment for Children Charged With Certain Offenses (§ 11)

The act requires that when a child is arrested for a firearms or motor vehicle offense, the arraignment be scheduled for the next business day following the date the child was arrested. Prior law did not impose a specific timeframe for arraignment.

Chemical Agents or Prone Restraints Report (§ 12)

Prior law required the Department of Correction commissioner and the CSSD executive director to report monthly to the Juvenile Justice Policy and Oversight Committee (JJPOC) on any use of chemical agents or prone restraints on children under age 18 detained in a facility the commissioner or executive director operates or oversees. The act instead requires the commissioner and executive director to submit the report to JJPOC within 30 days after the instance occurred, rather than monthly.

Youthful Offenders' Records (§ 30)

By law, a juvenile transferred to Superior Court who meets certain criteria is presumed eligible for youthful offender status, which generally makes his or her records and information on 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 conducting a legitimate criminal investigation. The act also allows a youthful offender's record to be disclosed to law enforcement officials and prosecutors seeking an order to detain a child.

EFFECTIVE DATE: Upon passage, except the provisions on next-day arraignment for children (§ 11) and youthful offenders' records (§ 30) are effective July 1, 2022.

§§ 13-14, 23 & 60-61 — TECHNICAL AND CONFORMING CHANGES

Makes technical and conforming changes to various statutes

The act makes technical fixes to the Family Support Magistrate's Act (§ 13) and a law on exemptions from execution against debts (§ 23).

It also makes conforming changes to reflect the past dissolution of certain offices within CSSD and the transfer of their functions (§§ 14 & 60-61).

EFFECTIVE DATE: Upon passage, except the technical changes in § 23 are effective October 1, 2022.

§§ 15 & 16 — COURT TRANSCRIPTS

Allows court transcripts to be provided in electronic format; eliminates the per page cost for copies of transcripts ordered by judges and judicial branch employees

The act allows court transcripts to be provided in electronic format. It does so by specifying that the definition of

"transcript page" under existing law applies if it was printed on paper (i.e., a page consisting of 27 double-spaced lines on 8.5- by 11-inch paper, with sixty spaces available per line). The act also specifies that "transcript page" also means a page stored in an electronic format retrievable in a perceivable form (§ 15).

It also eliminates the $0.75 per page cost charged when judicial officers and judicial branch employees order court transcripts previously produced (§ 16).

§§ 17 & 19 — JUDICIAL OFFICERS

Extends liability protection to attorneys who inventory certain attorneys' files and are appointed by the court under its inherent authority to regulate attorney conduct; disqualifies state referees from serving as jurors

Attorneys Appointed to Inventory Files (§ 17)

The law generally shields from liability for damage or injury that is not wanton, reckless, or malicious an attorney appointed by the court, pursuant to the Superior Court rules, to (1) inventory the files of an inactive, suspended, disbarred, or resigned attorney and (2) take necessary action to protect their clients' interests.

The act specifically extends this liability protection to attorneys who (1) are appointed by the court pursuant to the court's inherent authority to regulate attorney conduct and (2) inventory deceased attorneys' files.

State Referees (§ 19)

Existing law disqualifies judges and family support magistrates, among others, from serving as jurors. The act also disqualifies state referees from serving as jurors.

§ 18 — CENTRALIZED INFRACTIONS BUREAU

Adds numerous violations to the list of violations handled by the Superior Court's Centralized Infractions Bureau

The act adds numerous violations to the list of violations handled by the Superior Court's Centralized Infractions Bureau, which processes payments or not guilty pleas for committing infractions or violations. 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.

The act adds infractions and violations such as those related to (1) the State Capitol building, grounds, and facilities; (2) being under age in a gaming facility; (3) motor vehicle violations; (4) tax violations; (5) certain municipal powers; (6) taxicab operators; (7) pilot boat operators; (8) Public Utilities Regulatory Authority orders; (9) agriculture, domestic animals, and fisheries; (10) banking and insurance; (11) a peace officer's failure to submit a family violence report; and (12) seized property.

The act also makes conforming changes.

EFFECTIVE DATE: October 1, 2022

§§ 20, 21 & 66 — JUROR SUMMONS

Moves forward the timeline for implementing the "yield ratio" calculation for summonses

Proportional Representation (§§ 20-21 & 66)

Under PA 21-170, § 2, beginning July 1, 2023, the jury administrator must calculate proportional representation for the requirement that the number of jurors chosen from each town reflect the proportional representation of each town's population using a formula that incorporates the town's "yield ratio." The act requires the administrator to start implementing this formula upon the act's passage, rather than beginning July 1, 2023, as under PA 21-170. But it also requires the administrator to use 2019 data through 2023. Beginning January 1, 2024, the administrator must calculate proportional representation in the same way that PA 21-170, § 2, specified.

The act correspondingly eliminates prior law's requirement that from July 1, 2022, through June 30, 2023, for each jury summons that is undeliverable, the jury administrator send another randomly generated jury summons to a juror within the same zip code as the undeliverable summons.

EFFECTIVE DATE: Upon passage, except the provision on additional summonses is effective July 1, 2022 (§ 21).

§ 22 — COURT FEES FOR INDIGENT PARTIES

Provides for appellate review of applications for a waiver of fees to start civil and habeas actions

By law, in any civil or criminal matter, if the court finds that a party is indigent and unable to pay the court fees or the service of process cost, the court must waive the fees and the state must pay the fees and cost. If an application for a fee waiver is denied, upon the request of the applicant, the court clerk schedules a hearing.

Under the act, if after a hearing, the Superior Court denies the fee waiver application for starting a civil or habeas action or the cost of the service of process, the aggrieved party may petition the Appellate Court for review at no charge.
EFFECTIVE DATE: October 1, 2022

§§ 26-29, 32 & 33 — CSSD'S FUNCTIONS, PROGRAMS, REPORTS, AND FILES

Requires the division to assist with indigent pretrial diversionary program applications; allows it to conduct pre-arraignment interviews remotely; requires the division to (1) have its records release procedures be signed by the chief court administrator and (2) develop policies and procedures for issuing certificates of rehabilitation and specifies when they may be issued

Indigent Pretrial Diversionary Program Applicants (§§ 26 & 27)

Under prior law, for the accelerated pretrial rehabilitation and the community service labor programs, the court was required to waive the application or participation fee when the person filed an affidavit of indigency or inability to pay and had it confirmed by CSSD and the court entered that finding. The act instead requires CSSD to assist the person in filing the application, at his or her request, rather than confirm the person's indigence or inability to pay.

Under the law and the act, alternatively, the court must waive the application or participation fee for anyone who has been determined indigent and eligible for representation by an appointed public defender.

Pre-Arraignment Interviews (§ 28)

By law, prior to arraignment, CSSD must promptly interview anyone referred by the police or a judge. Under prior law, a person held at a police station could be interviewed by video conference. The act instead allows CSSD to conduct the pre-arraignment interview by remote technology.

CSSD's Confidential Reports and Files (§ 29)

The act requires CSSD's written procedures for the release of information in the division's reports and files to be approved by the chief court administrator, or his designee, instead of the executive committee of the judges of the Superior Court as prior law required.

Certificates of Rehabilitation (§§ 32 & 33)

The act allows CSSD to (1) grant a certificate of rehabilitation (commonly referred to as a certificate of employability) if the applicant was under the division's supervision at the time of the application (i.e., an eligible offender) and (2) develop policies and procedures for issuing these certificates to meet the law's requirements.

With respect to certificates of rehabilitation, under prior law, an "eligible offender" was a Connecticut resident who was convicted of a crime and under CSSD's supervision. The act additionally requires an eligible offender to be under CSSD's supervision at the time of the application.
EFFECTIVE DATE: Upon passage, except the provisions on pretrial diversionary programs (§§ 26 & 27) are effective July 1, 2022.

§§ 34-36 — CRIMINAL RECORD ERASURE AND DISCLOSURE

Makes any record of conviction ineligible for record erasure until the defendant has completed serving the sentence imposed for the offense or offenses for which he or she was convicted; authorizes the disclosure of erased records to victims who have started an action to enforce a financial restitution order; generally requires a record of conviction for an offense that has been decriminalized be erased, not physically destroyed

Erasure of Certain Drug Possession Convictions (§ 34)

By law, certain crimes are eligible for record erasure: (1) misdemeanors are subject to erasure seven years after the person's most recent conviction and (2) felonies are subject to erasure 10 years after the most recent conviction. The law also specifies that certain crimes are ineligible for record erasure (e.g., family violence crimes and nonviolent or violent sexual offenses requiring sex offender registration).

Prior law also designated as ineligible for record erasure any offense for which a defendant had not served or finished serving the sentence (including any period of incarceration, special parole, parole, or probation) until the applicable time period elapsed, and the defendant completed the sentence. The act eliminates this provision and instead makes ineligible for record erasure any conviction for any offense until the defendant has finished serving the respective sentence.

Disclosure of Erased Records to Victims (§ 35)

The law allows (1) the clerk of the court or anyone charged with retention and control of erased records or (2) any criminal justice agency with information contained in erased criminal records to disclose to the crime victim or the victim's legal representative the fact that the case was dismissed.

Under the law, if the disclosure contains information from erased records, the defendant's identity must not be released, except to the crime victim or the victim's representative, upon written application to the court.

Under prior law, the victim's written application to the court had to state (1) that a civil action for loss or damage resulting from the criminal act had begun or (2) the intent to bring that action. Under the act, the victim or his or her representative may also access these records if (1) a civil action to enforce a financial restitution order has begun or (2) he or she intends to bring that action.

Records Related to Decriminalized Offenses (§ 36)

Under prior law, upon the petition of someone convicted for an act that was later decriminalized, the court was required to immediately order the physical destruction of all related police, court, and prosecution records. The act instead requires that the records be erased, not physically destroyed.

The act specifies that this does not apply to any police, court, or state's attorney records' information with references to more than one count, unless and until all counts in the information are entitled to erasure (except for electronic records or parts of electronic records released to the public that reference a charge that would otherwise be entitled to record erasure, which must be erased before release).

EFFECTIVE DATE: January 1, 2023

§§ 37-42 — RECREATIONAL CANNABIS LEGISLATION

Makes a technical change regarding criminal record purchasers; exempts certain probation officers from the laws that limit when cannabis odor or possession can justify a search or motor vehicle stop; requires participants of certain pretrial diversionary programs who go to an out-of-state provider to pay the fees and costs of that provider only and not also the Connecticut fees; prohibits the court from waiving out-of-state program fees and costs

Criminal Record Purchasers (§ 37)

PA 21-1, June Special Session (JSS), § 10, extended certain requirements for purchasers of public criminal records to cover records purchased from all criminal justice agencies, not just the judicial branch. The act makes a conforming change to add a reference to those criminal justice agencies.

Searches by Probation Officers (§ 38)

Existing law limits when cannabis odor or possession can justify a search or motor vehicle stop. The act exempts from this limitation a probation officer supervising a probationer who, as a condition of probation, is prohibited from using or possessing cannabis.

Pretrial Diversionary Programs (§§ 39-42)

PA 21-1, JSS, §§ 166 & 167, sunset CSSD's pretrial programs for people charged with certain drug crimes, but

established a new, similar program.

Under prior law, a program participant who was going to an out-of-state program provider was required to pay both the Connecticut and out-of-state program fees and costs. The act instead requires them to pay only the out-of-state fees and costs.

Under prior law, generally a program participant had to pay the court a nonrefundable program fee and the cost of any related treatment to the treatment provider. Under the act, if CSSD allows the person to participate in an applicable program in another state, the person must only pay the program fee and participation costs required by the out-of-state program provider. The act also explicitly prohibits the court from waiving out-of-state program fees and costs.

EFFECTIVE DATE: October 1, 2022, except (1) January 1, 2023, for the provision on criminal record purchasers (§ 37) and (2) upon passage, for the provision on searches and motor vehicle stops (§ 38).

§ 43 — PLEADING PARTY'S FALSE ALLEGATIONS OR DENIALS

Increases, from $10 to $500 per offense, the cap on attorney's fees that a party can recover due to a false allegation or denial

By law, any allegation or denial in a civil pleading made without reasonable cause and found untrue makes the pleading party responsible for reasonable expenses incurred by the other party.

Prior law limited the expenses for attorney's fees to $10 per offense. The act increases this to $500 per offense.

EFFECTIVE DATE: October 1, 2022

§§ 44-52 & 68 — CONNECTICUT INTERSTATE DEPOSITIONS AND DISCOVERY ACT

Adopts the Uniform Interstate Depositions and Discovery Act and applies its provisions to any request for discovery in an action pending on or filed on or after July 1, 2023

The act adopts the Uniform Interstate Depositions and Discovery Act (UIDDA), to be cited as the "Connecticut Interstate Depositions and Discovery Act," and applies its provisions to any request for discovery in a Superior Court or probate court action pending on or filed on or after July 1, 2023 (§ 44). UIDDA provides procedures for courts in one state to issue subpoenas for out-of-state depositions and discovery. Generally, it harmonizes the out-of-state subpoena process for state court cases with Federal Rule of Civil Procedure 45.

It specifies that in applying and construing its provisions, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it (§ 49).

EFFECTIVE DATE: July 1, 2023, and applicable to any request for discovery in an action pending on or filed on or after that date, except the provisions on the subpoena request court fee (§§ 51 & 52) and exemption for states that have enacted UIDDA (§ 50) are effective July 1, 2023.

Definitions (§ 45)

The act defines specific terms for its purposes.

"Foreign jurisdiction" means a state other than Connecticut.

"State" means a U.S. state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or insular possession subject to U.S. jurisdiction.

"Foreign subpoena" means a subpoena in a civil or probate action issued under authority of a foreign jurisdiction's court of record.

"Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality, or any other legal or commercial entity.

"Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:

1. attend and give testimony at a deposition;
2. produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the person's possession, custody, or control; or
3. permit inspection of premises under the person's control.

Requesting Subpoenas (§§ 46, 51 & 52)

The act establishes a clerical procedure under which a foreign subpoena (i.e., one issued outside of Connecticut) may be reissued as a Connecticut subpoena.

Under the act, to request that the Connecticut Superior Court or probate court issue a subpoena, a party must submit to a clerk of the court in the applicable judicial or probate district in which discovery is to be conducted the (1) applicable subpoena request form, (2) original foreign subpoena or a true copy of it, and (3) court fee of $100.

The act specifies that this request does not constitute an appearance in any Connecticut court.

Under the act, the subpoena request form must be prescribed by the (1) office of the chief court administrator for an action in the Superior Court and (2) office of the probate court administrator for an action in the probate court.

Issuing Subpoenas (§§ 46 & 68)

When a party submits a foreign subpoena that meets the act's requirements to the Superior Court or probate court, the clerk must promptly issue, according to the respective court's rules, a subpoena for service upon the person to which the foreign subpoena is directed.

A subpoena issued under the act must:

1. incorporate the terms used in the foreign subpoena;
2. contain, or be accompanied by, the party's affidavit stating the names, addresses, and telephone numbers of all counsel of record in the proceeding related to the subpoena and of any party not represented by counsel;
3. include the case caption and docket number of the matter pending in the foreign jurisdiction; and
4. identify the name and address of the Superior Court or probate court issuing the subpoena.

The act requires the (1) chief court administrator to prescribe the form for subpoenas issued by the clerk of the Superior Court and (2) probate court administrator to prescribe the form for those issued by the clerk of the probate court.

The act correspondingly repeals the law that allowed a commissioner appointed by another state to apply to a Connecticut judge, justice of the peace, notary public, or commissioner of the Superior Court for a subpoena to compel a witness to appear before the out-of-state commissioner (§ 68).

Depositions (§§ 47 & 50)

Any subpoena issued under the act by a clerk of a Connecticut court must be served in accordance with subpoenas issued under existing law.

The act applies existing laws on taking depositions to the subpoenas issued under its provisions, including requirements on when a person may be deposed; how much notice is required; witnesses; deposing people over age 60 or in the armed forces and medical witnesses; written depositions; and the custody and opening of depositions (§ 47).

By law, in Connecticut, depositions must be taken before a judge or clerk of any court, justice of the peace, notary public, or commissioner of the Superior Court. For depositions taken in another state or country, existing law specifies the people before whom depositions for a civil action or probate proceeding in Connecticut must be taken (e.g., a commissioner appointed by the governor of Connecticut or any magistrate having power to administer oaths). The act exempts from this provision any state that has enacted laws substantially similar to the UIDDA (§ 50).

Protective Orders and Enforcing, Quashing, or Modifying a Subpoena (§ 48)

Under the act, a protective order application related to a matter under the act, or to enforce, quash, or modify a subpoena issued by a clerk of a court under the act's provisions, must (1) comply with Connecticut laws and court rules and (2) be submitted to the Superior Court in the judicial district or the probate court in the probate district, as applicable, where discovery is being sought.

§§ 53-56 & 62-63 — FEES FOR SERVICE OF PROCESS AND OTHER DUTIES

Increases certain fees payable under the law to officers and people serving process or performing other duties for state and municipal officers, the Judicial Department, the Division of Criminal Justice, and others; sets a new mileage reimbursement rate for in-hand service of process, including those for civil orders of protection; sets new rates for actions in cases involving evictions and foreclosure ejections

Service on Behalf of Officials of the State or Its Agencies, Boards, or Commissions and Municipal Officials (§ 53)

The act increases fees payable to officers or others authorized to serve process, summons, or attachments on behalf of state (except the Judicial Department or the Division of Criminal Justice, see § 54) and municipal officials as follows:

1. from $30 to $50, the fee for each process served;
2. from $10 to $20, the fee for each subsequent service at the same address;
3. from $30 to $50, the additional fee for other subsequent process served; and
4. from $10 to $20, the additional fee for notice to the attorney general in dissolution and post-judgment proceedings involving a party or child receiving public assistance.

When service is on behalf of someone who is not a state or municipal official, the act increases, from $40 to $50, the fee payable for process served, as well as the fee for the second and subsequent process served.

In-Hand Service of Process. Under existing law, an officer or person who serves process also receives a mileage reimbursement at the state employee mileage rate (i.e., the rate set by DAS for state employees). However, previously, if more than one process was served on a person at once, the total travel cost for the service had to be the same as for the service of one process only. In cases in which an officer or person is requested by the court or required by law to make in-hand personal service or for service related to issuing a civil restraining order, the act requires additional milage reimbursement.

Specifically, under the act, the officer must also receive reimbursement at the state employee mileage rate for each mile of travel for each round trip traveled while attempting to make in-hand personal service. This must be computed from the place where the process was received to the place of attempted service, and if multiple trips to effectuate service are made, back to the place where process was received and then to the place of the subsequent attempt, and then, in the case of civil process, to the place of return. However, the act requires the officer or person to:

1. state in the return of service that (a) in-hand personal service was requested or required or was made pursuant to a civil restraining order application and (b) multiple trips were necessary to make in-hand personal service; and
2. submit a bill stating the dates, times, and results of each trip the officer or person made while attempting to make in-hand personal service.

Under the act, a person may only receive payment for attempted round trip travel from the Judicial Department when (1) ordered by the court or by law to effectuate in-hand personal service and the in-hand personal service is done and (2) in-hand personal service of process is made pursuant to applications for a civil restraining order or a civil protection order.

The act allows the Judicial Department to limit payment for the cost of attempted round trip travel for in-hand service of process to three round trips. However, it does not limit the Judicial Department from paying an officer or person serving process a greater amount.

Other Allowable Fees. The act also changes the following fees:

1. increases from $0.40 to $0.50, the fee for each page or part of a page for endorsements;
2. increases from $30 to $50, the minimum fee for certain executions involving debts and collections;
3. changes from $0.21 a mile to the state employee mileage rate, the mileage rate applied when committing someone to a community correctional center, in civil actions; and
4. for any recording for which the recording fee is not otherwise set by law, changes from a "reasonable fee" to $50 plus costs and mileage reimbursement at the state employee mileage rate.

Service on Behalf of the Judicial Department or Division of Criminal Justice (§§ 54 & 55)

The act makes the following changes to fees payable to officers, such as state marshals and others authorized to serve process, when service is on behalf of the Judicial Department or the Division of Criminal Justice:

1. increases, from $30 to $50, the fee for each process served on a person;
2. increases, from $10 to $50, the fee for service on each additional person; and
3. allows an additional $20 fee for each subsequent service of process at the same address.

In-Hand Personal Service. The act makes the same exception described above for mileage reimbursement when an officer or person is requested or required to make in-hand service of process.

Enforcement of Attorney Obligation. The act changes the mileage reimbursement for an officer or other person to serve process to enforce an attorney's obligation under the client security fund, from $0.20 per mile to the state employee mileage rate. However, under the act, if more than one process is served on one person at once by the officer or person, the total travel cost for the service must be the same as for the service of one process only.

Other Fees. The act also changes the following fees:

1. increases, from $0.60 to $1.00, the per page cost for copies of writs and complaints, exclusive of endorsements;
2. increases the fee for levying certain executions from 3% to 15% of the amount of the execution (§ 55);
3. increases the fee for causing an execution levied on real property to be recorded, from $0.50 to $50, in addition to travel fees;

4. for committing any person to a community correctional center, in civil actions, changes travel reimbursements from $0.20 a mile to the state employee mileage rate; and
5. for any recording for which the recording fee is not otherwise prescribed by law, allows $50 plus costs and the state employee mileage reimbursement rate.

Evictions and Foreclosure Ejectments (§§ 53 & 56)

The act makes changes to fees related to an officer executing a summary judgment (eviction) and sets a new fee schedule for removing the defendant's or other occupant's possessions during an eviction or a foreclosure ejectment.

Service and Scheduling Fee. Under prior law, in eviction cases, the fee for service of process could not exceed $50. The act includes scheduling the service in the fee and caps the combined fee at $100 plus the state employee mileage rate. The act also applies this new fee cap and mileage reimbursement rate to the service and scheduling of foreclosure ejectments (§ 53).

Eviction-Related Removal and Inventory Fee. Under existing law, the fee for removing a defendant, other occupants, and their possessions in a residential eviction can be up to $100 per hour. The act also adds the state employee mileage rate to the allowable fee.

Additionally, the act sets the same fee for removing and taking inventory of possessions and personal effects of a defendant or other occupant subject to a commercial eviction order (i.e., not more than $100 per hour and the state employee mileage rate) (§ 53).

Foreclosure-Related Removal Fee. The act sets the fee for removing a defendant, other occupants, and their possessions in a foreclosure ejectment at not more than $100 per hour plus the state employee mileage rate.

In foreclosure cases, the act also allows the officer or person serving the execution or ejectment to claim compensation for time and expenses of any mover, locksmith, or any other individual, in keeping, securing, or removing property and the transportation incidental to the execution or ejectment. However, the officer or person must submit a bill with the details of these additional costs (§ 53).

Payment for Removal, Delivery, and Storage. By law, in a residential eviction, whenever the possessions and personal effects of a defendant (tenant) are removed by a state marshal, the marshal must deliver them to the designated storage place.

The act specifies that the plaintiff (landlord):

1. must pay the state marshal the fees set in law for the removal (see above) and
2. may recover the expense from the defendant (§ 56).

Civil Orders of Protection (§§ 62 & 63)

Under existing law, the judicial branch must pay the service of process costs for hearings on applications for civil orders of protection (i.e., a civil restraining order against a family or household member or a civil protection order against anyone other than a family or household member). Under the act, this cost also includes mileage reimbursement for making in-hand personal service as described above.

In-Hand Service Not Effectuated. Under the act, for service made for civil orders of protection which were not done in-hand, regardless of any attempts to do so, the mileage fee must be computed from the place where the process was received to the place of service, and then, in the case of civil process, to the place of return. If the court allows an applicant more time to make service pursuant to a restraining order application, the extra time is considered a continuation of the original attempts at service when calculating the mileage cost.

Timely Return of Service. Under the act, no officer or person is entitled to a fee for service related to civil orders of protection if the court does not receive timely return of service, unless there is a court order authorizing the fee. "Timely return" includes sending a copy of the return of service to the court, by fax or other means, before the hearing, followed by delivering the original return to the court within a reasonable time after the hearing.

EFFECTIVE DATE: October 1, 2022

§§ 57 & 58 — PROTECTIONS FOR STATE MARSHALS

Extends address confidentiality protections afforded to certain public officials under existing law to state marshals

Under existing law, if certain individuals, such as police officers or judges, submit a written request and furnish their business address to the Department of Motor Vehicles commissioner, only their business address may be disclosed or made available for public inspection, to the extent authorized by law. The act extends this privilege to state marshals (§ 57).

Existing law prohibits any public agency from disclosing under the Freedom of Information Act, from its personnel, medical, or similar files, the residential address of certain people employed by the public agency (e.g., a judge or magistrate). The act extends this protection from disclosure to state marshals appointed by the State Marshal Commission (§ 58).
EFFECTIVE DATE: July 1, 2022

§ 59 — CSSD'S REPORT TO COURT IN RESTRAINING ORDER CASES

Limits when the court, at a hearing on an application for a civil restraining order, may consider the report written by CSSD's family services unit

By law, when someone applies for a civil restraining order, the judge must order a hearing on the matter within a specified time. Under certain circumstances the judge may issue an ex parte order (i.e., without a hearing) pending the hearing after specific notice to the respondent (i.e., the person subject to the order).

At the hearing, prior law allowed the court to consider a report prepared by CSSD's family services unit. The act allows the court to consider this report only if the person who prepared it is available to testify at the hearing and is subject to cross examination.

Under the law, the report may include things such as any existing or prior order of protection and any information on pending or prior family matters or criminal cases, prior convictions, arrest warrants, and the respondent's risk level based on CSSD's risk assessment. By law, unchanged by the act, any report provided to the court by CSSD must also be provided to the applicant and respondent.
EFFECTIVE DATE: October 1, 2022

§§ 64, 65 & 67 — UNIFORM COMMERCIAL REAL ESTATE RECEIVERSHIP ACT

Delays the effective date of the Uniform Commercial Real Estate Receivership Act by one year, until July 1, 2023

PA 21-80 adopted the Uniform Commercial Real Estate Receivership Act (UCRERA) effective July 1, 2022. The act extends PA 21-80's effective date by one year to July 1, 2023, and correspondingly specifies that it does not apply to receiverships for which a receiver was appointed before that date.

By law, UCRERA applies to commercial receiverships for an interest in real property and any personal property related to, or used in, operating the real property. With limited exceptions, it does not apply to residential properties with four or fewer units.
EFFECTIVE DATE: Upon passage, except the provision specifying that UCRERA does not apply to receiverships for which a receiver was appointed before July 1, 2023, is effective July 1, 2023.

PA 22-36—SB 425
Judiciary Committee

AN ACT CONCERNING SENTENCE MODIFICATION

SUMMARY: PA 21-102, § 25, as amended by PA 21-104, § 63, expanded eligibility for sentence modification (i.e., sentence reduction, defendant discharge, or placement of the defendant on probation or conditional discharge), effective October 1, 2021. It did so by, among other things, allowing the court, without an agreement between the defendant and the state's attorney, to modify sentences for those under plea agreements with seven years or less of actual incarceration after a hearing and showing of good cause.

This act specifies that defendants sentenced before, on, or after October 1, 2021, are entitled to this sentence modification provision.
EFFECTIVE DATE: Upon passage

PA 22-37—SB 440
Judiciary Committee

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES

SUMMARY: This act corrects certain statutory references and makes various other technical changes throughout the general statutes.
EFFECTIVE DATE: October 1, 2022, except certain provisions take effect June 1, 2022 (§ 23) or January 1, 2023 (§§ 7, 20 & 40) to conform to other statutory changes taking effect on those dates.

PA 22-61—sHB 5349
Judiciary Committee
Public Safety and Security Committee

AN ACT CONCERNING THE TIMELY REPORTING BY THE POLICE OF A DEATH

SUMMARY: This act generally requires on-duty peace officers (i.e., law enforcement officers, see BACKGROUND) to notify a deceased person's next of kin about the deceased's death. The law enforcement agency (i.e., the State Police or municipal police department) must ensure the notification is made as soon as practicable, but within 24 hours after the deceased person is identified.

The act also requires the Office of the Inspector General (OIG) to investigate any failure to report a death as required by the act. It allows OIG to make recommendations to the Police Officer Standards and Training Council (POST) or to the employing agency to discipline an officer or his or her supervisor.

The act also makes minor, technical, and conforming changes.
EFFECTIVE DATE: October 1, 2022

POLICE NOTIFICATION REQUIREMENT

Under the act, if a sworn on-duty peace officer responds to an incident involving, or otherwise encounters, a deceased person or a person's remains, the officer must ensure that the deceased person's next of kin (i.e., spouse, adult child, parent, adult sibling, or grandparent) is notified about the death according to the officer's law enforcement agency's applicable guidelines.

If the next of kin resides in a town where the peace officer does not serve, the officer may notify the (1) next of kin about the person's death according to the officer's law enforcement agency's applicable guidelines or (2) law enforcement agency that serves the town where the next of kin resides, and that agency must ensure notification based on its applicable guidelines.

If a peace officer is unable to notify any next of kin, the officer must document the reason for the failure or delay and any attempts to make the notification. If no person who is a next of kin is notified, a deceased person's next of kin may request an OIG investigation into the lack of notification or timely notification.

OIG INVESTIGATIONS

Upon a next of kin's request, the act requires OIG to investigate and determine whether there was malfeasance on the part of the peace officer or his or her supervisor for failing to provide the notification or timely notification the act requires.

If OIG finds malfeasance, it may make recommendations to POST concerning censuring, suspending, renewing, canceling, or revoking the officer or supervisor's certification. But OIG may only make these recommendations if it finds that the failure was intentional or made with reckless indifference. Otherwise, OIG may recommend to the officer's or supervisor's employing agency any further disciplinary action as the employing agency determines.

CANCELLATION OR REVOCATION OF POLICE CERTIFICATION

Existing law sets various grounds upon which POST may cancel or revoke a police officer's certification, including for undermining public confidence in law enforcement. The act expands these grounds by specifying that undermining public confidence includes failing to report or timely report a death in violation of the act.

BACKGROUND

Peace Officers

By law, the following individuals are designated peace officers: state and local police, Division of Criminal Justice

inspectors, state marshals exercising statutory powers, judicial marshals performing their duties, conservation or special conservation officers, constables who perform criminal law enforcement duties, appointed special policemen, adult probation officers, Department of Correction officials authorized to make arrests in a correctional institution or facility, investigators in the State Treasurer's Office, certified Department of Motor Vehicles inspectors, U.S. marshals and deputy marshals, U.S. special agents authorized to enforce federal food and drug laws, and certified police officers of a law enforcement unit created and governed under a state-tribal memorandum (CGS § 53a-3(9), as amended by PA 22-117, § 8).

PA 22-79—sHB 5235
Judiciary Committee

AN ACT CONCERNING THE CONTENT OF REPORTS FROM THE OFFICE OF THE CLAIMS COMMISSIONER TO THE GENERAL ASSEMBLY

SUMMARY: By law, the claims commissioner must submit two reports within five days after the General Assembly convenes for regular session. Specifically, she must submit a report on all (1) decided claims and (2) undisposed claims for which the General Assembly may consider certain actions (including granting the claim or an extension).

This act requires the report on all decided claims to be for the preceding calendar year and include the following information for that year:

1. the total number of new claims filed;
2. the total number of claims disposed of, dismissed, and denied;
3. a description of each order of immediate payment of a just claim in an amount not exceeding $35,000, including the claimant's name, the amount paid, and the reason for the payment; and
4. the total number of claimants whom the commissioner authorized to sue the state.

By law, the claims commissioner must generally report on claims that remain undisposed for two years following the filing date or any granted extension. For the undisposed claims report, the act requires it to include:

1. an explanation on why the claim has not been disposed of and
2. the date a decision will be given on the claim if the General Assembly grants an extension of time to dispose of it.

EFFECTIVE DATE: October 1, 2022

BACKGROUND

Claims Against the State

Sovereign immunity limits when individuals can sue the state. Some statutes authorize individuals to sue the state in court for certain types of cases, but, in most instances, someone who wishes to sue the state must instead file a claim with the claims commissioner.

The commissioner must decide whether to (1) deny or dismiss the claim; (2) grant the claimant permission to sue the state; (3) award a claimant up to $35,000; or (4) recommend that the General Assembly approve a higher award amount (CGS § 4-158).

PA 22-82—sSB 5
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING ONLINE DATING OPERATORS, THE CREATION OF A GRANT PROGRAM TO REDUCE OCCURRENCES OF ONLINE ABUSE AND THE PROVISION OF DOMESTIC VIOLENCE TRAINING AND PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE

TABLE OF CONTENTS:

Requires online dating operators to give Connecticut users safety awareness notifications (e.g., whether the operator conducts criminal background screenings) before allowing them to use their online dating platforms; authorizes the DCP commissioner to penalize violators up to $25,000 per violation

§ 6 — ONLINE ABUSE PREVENTION GRANT PROGRAM

Creates a grant program, administered by DESPP, to prevent online abuse and provide educational and training opportunities to inform people about identifying, reporting, responding to, and avoiding online abuse

§ 7 — APPLICATION OF ANTI-DISCRIMINATION LAWS TO CERTAIN SMALL EMPLOYERS AND ELECTED AND APPOINTED OFFICIALS FOR A GOVERNMENTAL BODY

Subjects employers with one or two employees to the anti-discrimination laws, including those that prohibit discriminatory employment practices or workplace sexual harassment; protects elected and appointed officials for a governmental body under these laws

§§ 7 & 10-21 — DOMESTIC VIOLENCE VICTIMS AS A PROTECTED CLASS UNDER ANTI-DISCRIMINATION LAWS

Prohibits discrimination based on someone's domestic violence victim status in employment, public accommodations, housing, the granting of credit, and other laws over which CHRO has jurisdiction; authorizes a victim aggrieved by an alleged discriminatory practice to file discrimination complaints with CHRO

§§ 8 & 9 — DOMESTIC VIOLENCE TRAINING AND INFORMATION FOR EMPLOYEES

Requires state agencies, within available appropriations, to provide a one-hour minimum training and education on domestic violence and victim resources; requires employers with three or more employees to post similar information in an accessible location

§§ 8 & 22 — CHRO LEGAL COUNSEL

Eliminates requirements that a CHRO legal counsel serve as a supervising attorney and that the CHRO executive director assign commission legal counsel through the supervising attorney

§ 23 — DSS FUNDING

Requires DSS, for FY 23, to make $1.44 million available to domestic violence child and family advocates at domestic violence agencies for trauma-informed services

§§ 1-5 — ONLINE DATING SERVICES

Requires online dating operators to give Connecticut users safety awareness notifications (e.g., whether the operator conducts criminal background screenings) before allowing them to use their online dating platforms; authorizes the DCP commissioner to penalize violators up to $25,000 per violation

Affected Online Dating Operators and Users (§ 1)

The act imposes notification requirements on "online dating operators," defined as anyone who operates a software application (e.g., presumably, an online dating platform) 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").

Under the act, a "Connecticut user" is a user (i.e., someone who uses an online dating operator's service) who (1) provides a Connecticut home address or zip code when registering with an online dating operator or (2) is known or determined by an online dating operator, or its online dating platform, to be in Connecticut at the time of registration.

Criminal Background Screening Notification (§§ 1 & 2)

The act establishes criminal background screening notifications that online dating operators must provide their Connecticut users. The notifications differ depending on whether the operator conducts these screenings.

Under the act, a "criminal background screening" is a name search for an individual's criminal convictions history (for state or federal crimes) that is conducted by searching (1) an available and regularly updated government public record database that provides national coverage for searching an individual's criminal history or (2) a regularly updated database maintained by a private vendor that provides national coverage for searching an individual's criminal history and sexual offender registries.

Screening Not Conducted. If an online dating operator does not conduct a criminal background screening on each user, then the operator must provide a Connecticut user with a clear and conspicuous notification that it does not conduct these screenings before allowing the user to communicate through its online dating platform with another user.

Screening Conducted. If an online dating operator offers services to Connecticut residents and conducts a criminal background screening on each user, then it must provide a Connecticut user a clear and conspicuous notification that it conducts these screenings. The notification must be provided before the user can communicate through the platform with another user, and it must include a statement of whether the platform excludes an individual who is identified as having a criminal conviction. It must also include a statement that the screening may (1) be inaccurate or incomplete, (2) give users a false sense of security, and (3) be circumvented by someone with a criminal history. The act also requires that this notification be included on the operator's online dating platform.

Safety Awareness Notification (§ 3)

The act requires online dating operators that offer services to Connecticut residents to provide a safety awareness notification clearly and conspicuously on their online dating platforms to all Connecticut users.

The notification must include a list of safety measures reasonably designed to increase awareness of safer online dating practices. It must also include the following statements in substantially similar form:

1. "Use caution when communicating with a stranger who wants to meet you."
2. "You should not include your last name, electronic mail address, home address, phone number or any other identifying information in your online dating profile or electronic mail messages or communications until you feel comfortable with the other user. Stop communicating with anyone who pressures you for personal or financial information or attempts in any way to coerce you into revealing such information."
3. "If you choose to have a face-to-face meeting with another user who you met on the online dating platform, tell a family member or friend where you will be meeting and when you will return. You should not agree to be picked up at your home. Always provide your own transportation to and from your date and meet in a public place with many people around."
4. "Anyone who is able to commit identity theft can also falsify a dating profile."

Notification Timing and Communication Mode (§ 4)

The act requires online dating operators to communicate the required notifications when a Connecticut user registers with it. They may do so by email, text message, push notification, inbox message, or in-product message.

The act specifies that the communication must not address matters other than the criminal background screening notification and safety awareness notification. Additionally, if the means of communication is character limited, the act allows the online dating operator to provide the full information by linking to a separate website. However, the website may only address the required notifications.

Investigations and Penalties for Violations (§ 5)

The act authorizes the Department of Consumer Protection (DCP) to penalize violators of the act's online dating service notification requirements by (1) issuing fines up to $25,000 per violation, (2) accepting an offer in compromise, or (3) taking other actions allowed under law or regulations.

The act also allows the commissioner or her 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 her designee may apply to Superior Court for an appropriate enforcement order.

Additionally, the act authorizes the attorney general, at the commissioner's or her 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.

EFFECTIVE DATE: October 1, 2022

§ 6 — ONLINE ABUSE PREVENTION GRANT PROGRAM

Creates a grant program, administered by DESPP, to prevent online abuse and provide educational and training opportunities to inform people about identifying, reporting, responding to, and avoiding online abuse

Administration and Purpose

The act establishes a grant program administered by the Department of Emergency Services and Public Protection (DESPP), in consultation with the State-Wide Hate Crimes Advisory Council, to provide educational and training opportunities to prevent online abuse and inform people about identifying, reporting, responding to, and avoiding online abuse. Under the act, "online abuse" means the following acts, when conducted using an interactive computer service:

1. speech or conduct motivated by hatred, prejudice, or bigotry towards a person or group based on the person's actual or perceived religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, or disability;
2. harassment, stalking, swatting, or doxing (i.e., publicly revealing previously private personal information about someone, usually via the Internet); or
3. assault.

Requests for Proposals From Eligible Entities

Each fiscal year, within three months after receiving funds from the state, DESPP must issue a request for proposals (RFP) from eligible entities. Under the act, an "eligible entity" must be located in Connecticut and may be any of the following or any entity operating under them:

1. local or regional school districts,
2. historical societies,
3. tax-exempt entities registered with the Office of the Secretary of the State,
4. government agencies,
5. constituent units of the state higher education system, or
6. public libraries.

Each RFP response must specify:

1. the types of online abuse that the eligible entity proposes to address, which must conform to the program's purpose;
2. the methods used to achieve the program's goals;
3. the entity's other specific goals;
4. the target audience of the training and information that the entity would provide;
5. whether the entity is replicating a program found to have a high likelihood of success as determined by a cost-benefit analysis in a peer reviewed academic journal; and
6. the amount of any matching funds the entity will contribute.

Grant Awards

The act authorizes DESPP to award grants for any programming or service that prevents online abuse or furthers the other program goals, including training teachers or school professionals, archiving, public murals, curriculum development, and marketing.

It allows eligible entities to use awarded funds collectively, including regionally, through coordinated efforts and conferences that achieve the program's goals.

The act caps the total grant amount that DESPP may award an eligible entity at $30,000 during any fiscal year.

EFFECTIVE DATE: July 1, 2022

§ 7 — APPLICATION OF ANTI-DISCRIMINATION LAWS TO CERTAIN SMALL EMPLOYERS AND ELECTED AND APPOINTED OFFICIALS FOR A GOVERNMENTAL BODY

Subjects employers with one or two employees to the anti-discrimination laws, including those that prohibit discriminatory employment practices or workplace sexual harassment; protects elected and appointed officials for a governmental body under these laws

The act subjects employers with one or two employees to the anti-discrimination laws under the Commission on Human

Rights and Opportunities (CHRO) statutes, including those that prohibit (1) discriminatory employment practices (such as those described under § 10 below) and (2) workplace sexual harassment. These laws also impose certain duties on the employer, such as the duty to provide reasonable accommodation to a pregnant employee, unless doing so would be an undue hardship. Under prior law, these laws applied only to employers with at least three employees, as well as the state and its political subdivisions.

Under the act, employers with one or two employees are no longer exempt from liability for employment discrimination based on any of the protected classes. The act gives these employees the right to file a complaint with CHRO claiming to be aggrieved by an employer's alleged discriminatory practice, as employees of employers with three or more employees may do under existing law.

Existing law requires employers with at least three employees to post certain notices and provide training and education on the illegality of workplace sexual harassment. The act generally subjects employers with one or two employees to these requirements, but existing law already requires them to provide training and education to their supervisory employees. By law, an employer who fails to post the required notices, or provide the required training and education, must be fined up to $750.

As under existing law for other size employers, under the act, if an employee of an employer with one or two employees refuses or threatens to refuse to comply with the employment discrimination prohibitions, the employer may file a written complaint under oath asking CHRO for assistance by conciliation or other remedial action.

Additionally, the act adds elected and appointed officials for a governmental body to the definition of "employee" under these laws and in doing so provides protections for them under the antidiscrimination laws, including those that prohibit discriminatory employment practices or workplace sexual harassment.

EFFECTIVE DATE: October 1, 2022

§§ 7 & 10-21 — DOMESTIC VIOLENCE VICTIMS AS A PROTECTED CLASS UNDER ANTI-DISCRIMINATION LAWS

Prohibits discrimination based on someone's domestic violence victim status in employment, public accommodations, housing, the granting of credit, and other laws over which CHRO has jurisdiction; authorizes a victim aggrieved by an alleged discriminatory practice to file discrimination complaints with CHRO

The act prohibits various forms of discrimination based on someone's status as a domestic violence victim, such as in employment, public accommodations, housing sales or rentals, granting credit, and several other areas. In several cases, it classifies discrimination on this basis as a "discriminatory practice" under the CHRO laws. By doing so, the act allows CHRO or individuals aggrieved by these violations to file a complaint with CHRO alleging discrimination.

Domestic Violence Defined (§ 7)

The act applies a general definition for the term "domestic violence" under the CHRO laws.

Under the act, "domestic violence" generally means the following:

1. a continuous threat of present physical pain or injury against a family or household member;
2. stalking of a family or household member;
3. a pattern of threatening a family or household member or a third party that intimidates the family or household member; or
4. coercive control of a family or household member (i.e., a behavior pattern that unreasonably interferes with a person's free will and personal liberty) (CGS § 46b-1(b)).

General Anti-Discriminatory Provision and Deprivation of Rights (§ 11)

Under existing 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, or veteran status. The act adds status as a domestic violence victim to this list, thus authorizing CHRO to investigate claims of discrimination based on domestic violence victim status.

Under existing law, it is a crime to place a noose or simulation of one on public property, or on private property without the owner's written consent, with the intent to harass someone because of any protected class listed above. The act adds "domestic violence victim" 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.

Employment Discrimination (§ 10)

Unless there is a bona fide occupational qualification or need, the act prohibits an employer or its agent from (1) refusing to hire or employ someone; (2) barring or discharging someone from employment; or (3) discriminating against someone in pay or in employment terms, conditions, or privileges because the person is a domestic violence victim. This prohibition applies to all employers, public or private, and all employees except those employed by their parents, spouse, or children.

The act also prohibits the following kinds of employment discrimination based on domestic violence victim status:

1. employers refusing to provide a reasonable leave of absence to an employee whom the employer knows is a victim of domestic violence unless the absence would cause an undue hardship (see below);
2. employment agencies failing or refusing to classify properly or refer for employment or otherwise discriminating against someone except in the case of a bona fide occupational qualification or need;
3. labor organizations excluding someone from full membership rights, expelling a member, or discriminating in any way against a member, employer, or employee unless the action is due to a bona fide occupational qualification;
4. employers, employment agencies, labor organizations, or anyone else taking adverse action against someone because he or she opposed a discriminatory employment practice, brought a complaint, or testified or assisted someone else in a complaint proceeding;
5. any person aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so; and
6. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment and therefore discriminates except when involving a bona fide occupational qualification or need.

Reasonable Leave of Absence. Under the act, it is a discriminatory practice for an employer or the employer's agent to deny an employee a reasonable leave of absence to do the following:

1. seek attention for injuries caused by domestic violence, including for a child who is a domestic violence victim, so long as the employee did not commit domestic violence against the child;
2. obtain services, including safety planning, from a domestic violence agency or rape crisis center;
3. obtain psychological counseling, including for a child, so long as the employee did not commit domestic violence against the child;
4. take other actions to increase safety from future incidents, including temporary or permanent relocation; or
5. obtain legal services, assist in the offense's prosecution, or otherwise participate in related legal proceedings.

The act requires an employee who misses work under these circumstances to provide a certification to the employer, upon request, within a reasonable time after the absence. The certification must be one of the following:

1. a police report indicating that the employee or the employee's child was a domestic violence victim;
2. a court order protecting or separating the employee or employee's child from the perpetrator;
3. other evidence from the court or prosecutor that the employee appeared in court; or
4. documentation from a medical professional or a domestic violence counselor, or other health care provider, that the employee or employee's child was receiving services, counseling, or treatment for physical or mental injuries or abuse caused by domestic violence.

Under the act, if an employee has a physical or mental disability resulting from a domestic violence incident, then the employee must be treated the same as employees with other disabilities.

The act also requires employers, to the extent allowed by law, to maintain the confidentiality of any information about an employee's status as a domestic violence victim.

Public Accommodations (§ 13)

The act prohibits anyone from denying someone, based on his or her status as a domestic violence victim, full and equal accommodations in any public establishment (i.e., one that caters to or offers its services, facilities, or goods to the general public), including any commercial property or building lot on which a commercial building will be built or offered for sale or rent, subject to lawful conditions and limitations that apply alike to everyone. It further prohibits discriminating, segregating, or separating people based on their domestic violence victim status. A violation is a class D misdemeanor.

Housing (§ 14)

The act prohibits anyone from refusing to sell or rent after a person makes a bona fide offer; refusing to negotiate for the sale or rental of a dwelling; or otherwise denying or making a dwelling unavailable to someone based on their status as a domestic violence victim. A violation is a class D misdemeanor.

This prohibition does not apply to the rental of owner-occupied single- or two-family homes.

Credit (§ 15)

The act prohibits a creditor from discriminating against an adult in a credit transaction based on the person's status as a domestic violence victim.

Other Areas Subject to CHRO's Jurisdiction (§§ 12 & 16-21)

The act authorizes CHRO to investigate discrimination claims based on a person's domestic violence victim status under other laws over which CHRO has jurisdiction. Specifically, the act does the following:

1. subjects any professional or trade association, board, or other similar organization whose profession, trade, or occupation requires a state license, to a $100 - $500 fine for denying someone membership because of his or her domestic violence victim status (§ 12);
2. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel based on merit and qualifications, without regard for their status as a domestic violence victim, unless the person's status as a domestic violence victim prevents performance of the work involved (§ 16);
3. requires state agency services to be performed without discrimination based on a person's domestic violence victim status (§ 17);
4. requires any state agency that provides employment referrals or placement services to public or private employers to reject any job request that indicates an intention to exclude anyone based on his or her domestic violence victim status (§ 18);
5. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds that he or she is a domestic violence victim (§ 19);
6. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which they participate, to be open to all qualified people, without regard for domestic violence victim status (§ 20); and
7. prohibits a person's domestic violence victim status from being a limiting factor in state-administered programs involving the distribution of funds to qualified applicants for benefits authorized by law; and prohibits the state from giving financial assistance to public agencies, private institutions, or other organizations that discriminate on this basis (§ 21).

EFFECTIVE DATE: October 1, 2022

§§ 8 & 9 — DOMESTIC VIOLENCE TRAINING AND INFORMATION FOR EMPLOYEES

Requires state agencies, within available appropriations, to provide a one-hour minimum training and education on domestic violence and victim resources; requires employers with three or more employees to post similar information in an accessible location

State Agencies (§§ 8 & 9)

The act authorizes CHRO to require that all state agencies provide at least one hour of training and education on domestic violence and the resources available to victims. For employees hired before January 1, 2023, the training must be given by July 1, 2023. Employees hired on or after January 1, 2023, must be given the training within six months after their date of hire.

Under the act, this training and education must be provided within available appropriations using CHRO's training and education materials (see below). It must include information on (1) domestic violence, abuser, and victim behaviors; (2) how domestic violence may impact the workplace; and (3) the resources available to victims.

The act requires CHRO, in conjunction with domestic violence victim advocacy organizations, to develop the following:

1. a link with information on domestic violence and available resources for victims and include it on the commission's

website and
2. an online training and education video or other interactive method of training and education that meets the requirements above and make them available to each state agency at no cost.

Employers With Three or More Employees (§ 8)

The act allows CHRO to require employers with three or more employees to post, in a prominent and accessible location, information on domestic violence and the resources available to victims in Connecticut.
EFFECTIVE DATE: Upon passage for the provisions related to the CHRO commissioner's powers and October 1, 2022, for provisions related to the commissioner's duties.

§§ 8 & 22 — CHRO LEGAL COUNSEL

Eliminates requirements that a CHRO legal counsel serve as a supervising attorney and that the CHRO executive director assign commission legal counsel through the supervising attorney

Prior law required one CHRO legal counsel to serve as a supervising attorney. It also required CHRO's executive director, when assigning legal counsel in certain actions, to do so through the supervising attorney. This applied to legal counsel assignments for the following:
1. proceedings where a state agency or officer was an adversary party and other matters that the commission and the attorney general jointly prescribed;
2. hearings or appeals on complaints under the state's whistleblower law; and
3. civil actions about an alleged discriminatory practice.

In these cases, the act eliminates the requirement that the executive director assign CHRO legal counsel through the supervising attorney. It also eliminates the requirement that one CHRO legal counsel serve as a supervising attorney.
EFFECTIVE DATE: Upon passage

§ 23 — DSS FUNDING

Requires DSS, for FY 23, to make $1.44 million available to domestic violence child and family advocates at domestic violence agencies for trauma-informed services

For FY 23, the act requires the Department of Social Services (DSS) to make $1.44 million available to domestic violence child and family advocates at domestic violence agencies for providing trauma-informed services to children and families experiencing domestic violence.

Under the act, a "domestic violence agency" is any office, shelter, host home, or agency that meets DSS's service provision criteria and helps domestic violence victims through crisis intervention, emergency shelter referral, and medical and legal advocacy. "Trauma-informed services" are services directed by a thorough understanding of the neurological, biological, psychological, and social effects of trauma and violence on someone.
EFFECTIVE DATE: July 1, 2022

PA 22-86—HB 5236
Judiciary Committee

AN ACT CONCERNING ARCHITECTS WHO VOLUNTARILY AND WITHOUT COMPENSATION ASSIST PUBLIC OFFICIALS IN EVALUATING THE SAFETY ELEMENTS OF BUILT ENVIRONMENTS IN THE AFTERMATH OF A MAJOR DISASTER OR EMERGENCY

SUMMARY: Under certain conditions, this act specifically grants civil immunity to licensed architects who voluntarily help certain public safety officials evaluate the safety of "built environment" elements after a governor-declared civil preparedness emergency due to a major disaster or emergency.

Unless there is willful misconduct, existing law protects agents and representatives of the state or a municipality and those authorized by a civil preparedness force from liability for death, injury, or property damage if they assist with or respond to major disasters and emergencies (CGS § 28-13).
EFFECTIVE DATE: October 1, 2022

ARCHITECTS' IMMUNITY

To receive civil immunity under the act, the architect's assistance must be:

1. at the request of, under the direction of, or in connection with a public safety official;
2. voluntary and without compensation; and
3. done in good faith.

An architect whose assistance meets these requirements is not liable for civil damages unless he or she failed to act as a reasonably prudent public safety official would have acted under the same or similar circumstances. Additionally, the act applies to these architects the same standard of care that applies to public safety officials evaluating built environment elements (see below), if a major disaster or emergency did not prevent them from doing the inspection themselves.

These provisions apply to an architect's acts or omissions that occur during the period a civil preparedness emergency declaration is in effect or for 60 days after the declaration is issued, whichever is longer.

DEFINITIONS

Built Environment

Under the act, a "built environment" is a human-made environment, including homes, buildings, streets, sidewalks, and parks as well as transportation, energy, and other infrastructure.

Public Safety Official

Additionally, under the act, a "public safety official" is (1) a state or municipal police officer or firefighter; (2) a building or assistant building official; (3) the state building inspector or his designee; (4) a community emergency response team member activated by DESPP, a local emergency preparedness official, or a municipal police agency; (5) a DESPP official; or (6) a Federal Emergency Management Agency official.

Major Disaster

By law, and under the act, a "major disaster" is any catastrophe, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, any fire, flood, explosion, or man-made disaster in Connecticut that (1) the president determines causes damage that warrants major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to supplement the efforts and available resources of the state, municipal governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering the catastrophe caused or (2) the governor determines requires a civil preparedness emergency declaration (CGS § 28-1(2)).

Emergency

Additionally, an "emergency" is any instance in which the governor or president determines state or federal assistance is needed to supplement state or local efforts and capabilities to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster or catastrophe in Connecticut (CGS § 28-1(3)).

PA 22-111—sHB 5499
Judiciary Committee

AN ACT CONCERNING THE CRIMINAL JUSTICE COMMISSION AND THE DIVISION OF CRIMINAL JUSTICE

SUMMARY: This act allows the Criminal Justice Commission to reprimand and suspend the chief state's attorney, rather than only being able to remove him, as under prior law. (While the chief state's attorney is a commission member, he is not included in the commission for these purposes.)

The act also prohibits (1) the chief state's attorney, deputy chief state's attorneys, and state's attorneys from being an elected officer of the state or any political subdivision and (2) full-time assistant state's attorneys and deputy assistant state's attorneys from being an elected state officer.

The act also makes technical changes.
EFFECTIVE DATE: October 1, 2022

REPRIMANDS AND SUSPENSION

By law, the Criminal Justice Commission may investigate the chief state's attorney when it has reason to believe or has the opinion that he is guilty of misconduct, material neglect of duty, or incompetence in conducting his office. Existing law requires the commission to prepare a written statement of the charges against the chief state's attorney and summon the official to appear before the commission to show why he should not be removed from office. The act generally applies this process to reprimands and suspensions, whether with or without pay.

As under existing law, the chief state's attorney has the right to appear with counsel and witnesses and be fully heard. As under the law for removals, if the commission finds that evidence warrants a reprimand or suspension after the hearing, it must make the order in writing.

BACKGROUND

Criminal Justice Commission

The state constitution establishes the Criminal Justice Commission and charges it with appointing a state's attorney for each judicial district and other attorneys as prescribed by law (Conn. Const., Art. XXIII; CGS § 51-278). It consists of seven members: the chief state's attorney and six members appointed by the governor and confirmed by the General Assembly. Two of the appointed members must be Superior Court judges.

PA 22-112—SB 164
Judiciary Committee

AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH PROBATE COURT ORDERS

SUMMARY: This act generally requires each state agency that is a party to a probate court proceeding to recognize and apply any probate court order, denial, or decree issued on or after October 1, 2022. This applies (1) to the extent allowed by federal law and (2) as long as the probate court has the statutory jurisdiction to issue the order, denial, or decree. Under the act, a "state agency" refers to an agency as defined under the Uniform Administrative Procedure Act (UAPA) (see BACKGROUND).

Unlike most probate appeals, the act requires a party appealing this type of probate court decision to file the appeal in Hartford Superior Court, instead of the Superior Court in the judicial district where the probate court is located. Also, as is currently the case for certain probate appeals, the act (1) requires hearings on the appeal to start within 90 days after it is filed, unless the probate court or Superior Court granted a stay and (2) prohibits the Superior Court from referring the appeal to a special assignment probate judge.

The act also requires DSS to compile annual data on the denial of Medicaid eligibility in any matter in which a probate court issued an order or decree about assets or income that, according to DSS, affected someone's Medicaid eligibility. Under the act, starting by January 1, 2024, DSS must annually report on specified related matters to the Judiciary and Human Services committees.

Lastly, the act generally extends, from 30 to 45 days, the time to appeal to Superior Court from a probate court panel's order, denial, or decree involving a writ of habeas corpus petition challenging an involuntary conservatorship or guardianship.
EFFECTIVE DATE: October 1, 2022

DSS ANNUAL REPORTING ON MEDICAID ELIGIBILITY AND PROBATE COURT CASES

The act requires DSS, starting by January 1, 2024, to annually report to the Judiciary and Human Services committees on (1) any probate court order or decree related to assets or income that DSS was noncompliant with and that, according to DSS, affected an applicant's Medicaid eligibility, with a written explanation of this noncompliance and noting whether DSS appealed the court decision and (2) whether the person appealed DSS's denial and, if so, the result.

BACKGROUND

UAPA Definition of Agency

Under the UAPA, an agency is a state board, commission, department, or officer authorized by law to make regulations or to determine contested cases. The term does not include the House, Senate, or any legislative committee; courts; the Council on Probate Judicial Conduct; the governor, lieutenant governor, or attorney general; town or regional boards of education; or automobile dispute settlement panels (CGS § 4-166).

DSS and Medicaid Determinations

Under federal law, each state's Medicaid plan must designate a single state agency to administer or supervise the plan's administration (42 U.S.C. § 1396a(a)(5)). By state law, DSS administers the state's Medicaid program and is the sole state agency that determines eligibility for Medicaid assistance (CGS § 17b-261b).

PA 22-114—sHB 5372
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING PERIODIC BEHAVIORAL HEALTH ASSESSMENTS, POLICE OFFICER RECRUITMENT, SCHOOL RESOURCE OFFICERS, REPORTING OF VIOLATIONS TO THE POLICE OFFICER STANDARDS AND TRAINING COUNCIL, INVESTIGATIONS BY THE INSPECTOR GENERAL, MINIMUM STANDARDS AND PRACTICES FOR THE ADMINISTRATION, MANAGEMENT AND OPERATION OF LAW ENFORCEMENT UNITS AND THE CORRECTION ADVISORY COMMITTEE

SUMMARY: This act makes various changes in the laws related to law enforcement. Specifically, it does the following:

1. allows licensed clinical social workers, in addition to psychiatrists and psychologists, to conduct the behavioral health assessments of police officers required under existing law (§ 1);
2. expands the requirements for law enforcement unit guidelines on minority police officer recruitment, retention, and promotion to include the goals of achieving (a) ideological diversity, in addition to racial, gender, and ethnic diversity, within law enforcement units and (b) community involvement (§ 2);
3. requires the Board of Regents for Higher Education (BOR) to select a public higher education institution to (a) study school resource officers' role and impact on students with disabilities and (b) report its findings to the Judiciary Committee by December 1, 2022 (§ 3); and
4. requires (a) law enforcement units to report to the Police Officer Standards and Training Council (POST) instances where police officers commit certain prohibited actions (e.g., excessive force or failure to intervene) and (b) the Office of the Inspector General (OIG) to investigate law enforcement units who fail to report and submit its findings to the governor and Judiciary Committee (§§ 4 & 5).

PA 22-18 establishes the Correction Advisory Committee, which, among other things, must submit a list of correction ombuds candidates to the governor and meet quarterly with the ombuds. This act adds two additional members to the committee (§ 6).

EFFECTIVE DATE: October 1, 2022, except the provisions on the (1) school resource officer study and Correction Advisory Committee membership take effect upon passage and (2) social worker behavioral health assessments take effect July 1, 2022.

§ 1 — SOCIAL WORKER BEHAVIORAL HEALTH ASSESSMENTS OF POLICE OFFICERS

Existing law generally requires police officers to have a periodic behavioral health assessment at least once every five years as a condition of continued employment. (Officers may also be required to submit to an additional assessment for good cause shown.)

The act allows licensed clinical social workers (LCSWs) to conduct the assessments, in addition to board-certified psychiatrists and licensed psychologists as under existing law. As under existing law for these other professionals, the LCSWs must have experience diagnosing and treating post-traumatic stress disorder.

As under existing law for psychiatrists and psychologists, behavioral health assessments conducted by LCSWs, and the providers' related records or notes, are not subject to disclosure under the Freedom of Information Act.

§ 2 — MINORITY POLICE OFFICER GUIDELINES

By law, each law enforcement unit must develop and implement guidelines for recruiting, retaining, and promoting minority police officers. Under the act, the guidelines must promote achieving the goal of (1) ideological diversity within the unit and (2) community involvement. 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).

§ 3 — SCHOOL RESOURCE OFFICER STUDY

The act requires, by June 26, 2022 (i.e., within 30 days after its passage), BOR to select a public higher education institution to study the role and impact of school resource officers on students with disabilities.

Under the act, the selected institution must do the following:

1. determine the number of school resource officers employed in the state and located in each school district;
2. detail the funding mechanisms each district uses to employ these officers;
3. develop metrics for assessing the officers' efficacy, particularly when interacting with students with disabilities;
4. determine the chain of command structure when students with disabilities experience crises in school, including who responds and when;
5. determine the process for entering memoranda of understanding between school districts, boards of education, and school resource officers, and the public's accessibility to this process; and
6. explore other issues the institution deems relevant.

The act requires the selected institution to report its findings to the Judiciary Committee by December 1, 2022.

§§ 4 & 5 — VIOLATION REPORT

The act requires each law enforcement unit's chief law enforcement officer to report to POST anytime the unit found, based on its established procedures, that a police officer did the following:

1. used unreasonable, excessive, or illegal force that caused or was likely to cause another person's serious physical injury or death;
2. while acting in a law enforcement capacity, failed to (a) intervene or stop the use of unreasonable, excessive, or illegal force by another police officer that caused or was likely to cause another person's serious physical injury or death or (b) notify a supervisor and submit a written report on these acts when the officer has personal knowledge of these acts and the ability to prevent them;
3. intentionally intimidated or harassed another person based on actual or perceived protected class membership, identity, or expression and in doing so threatened to commit or caused physical injury to another person; and
4. has been terminated, dismissed, resigned, or retired due to the state law prohibiting the hiring of certain officers who committed, or were investigated for, prior malfeasance.

The act requires POST to notify OIG if the municipal chief law enforcement officer or Department of Emergency Services and Public Protection fails to make this required report. OIG must then investigate the failure and submit its findings to the governor and Judiciary Committee.

§ 6 — CORRECTION ADVISORY COMMITTEE

PA 22-18 establishes a Correction Advisory Committee to, among other things, submit a list of correction ombuds candidates to the governor and meet quarterly with the ombuds. The act increases the committee membership from nine to 11 by adding the following appointments:

1. a member who is a victim of violent crime, a person who advocates for victims' rights, or an attorney who represented a victim of a violent crime, appointed by the Judiciary Committee House ranking member and
2. a member who has expertise in corrections, appointed by the Judiciary Committee Senate ranking member.

PA 22-115—sHB 5417
Judiciary Committee

AN ACT CONCERNING JUVENILE JUSTICE AND SERVICES, FIREARMS BACKGROUND CHECKS, AND LARCENY OF A MOTOR VEHICLE

TABLE OF CONTENTS:

§ 1 — JUVENILE ARRESTS AND DELINQUENCY PROCEDURES

Makes various changes to procedures when a juvenile is arrested following an alleged delinquent act, such as (1) generally requiring an arrested child to be brought before a judge within five business days after the arrest; (2) allowing the court to order electronic monitoring if a child was charged with a second or subsequent motor vehicle or property theft offense; and (3) in certain circumstances, increasing the maximum period, from six to eight hours, that a child may be held in a community correctional center or lockup without a judge's detention order

Initial Court Appearance Following Arrest (§ 1(a))

This act requires a child arrested for a delinquent act to be brought before a Superior Court judge within five business days after the arrest unless existing law requires it sooner.

As described below, if a child is detained in a juvenile residential center after an arrest, existing law requires a court hearing on the next business day to determine whether to continue the detention.

Assessment for Service Needs (§ 1(b))

Under the act, if there is probable cause to believe that an arrested child committed the acts alleged, the court may consider if the child should be assessed for services. If so, the (1) assessment must occur within two weeks after the child's arraignment and (2) child has the right to counsel during the assessment.

GPS Monitoring (§ 1(c)(2))

The act allows judges to order electronic monitoring of an arrested child who is (1) charged with a second or subsequent motor vehicle or property theft delinquency offense and (2) released into the custody of his or her parent or guardian (or another suitable person or agency). This monitoring, through a global positioning system (GPS) device, continues until the case concludes, or ends earlier upon the court's order. If the child fails to comply with the monitoring order, he or she may be immediately detained.

For this purpose, a motor vehicle delinquency offense includes:

1. operating or using a vehicle, or causing the vehicle to be used or operated, without the owner's consent;
2. 1st or 2nd degree criminal trover (i.e., wrongful taking that results in damages) involving a motor vehicle; and
3. larceny of a motor vehicle.

Juvenile Detention Decision Before Hearing (§ 1(c)(1))

Existing law sets conditions under which a judge, upon the arresting officer's application, may order an arrested child to be placed in a juvenile residential center. The act specifies that the arresting officer seeking this detention order must use the form prescribed by the Office of the Chief Court Administrator (see §§ 7 & 21 below).

The act eliminates the prior condition that the judge, to order this detention, had to determine that there was no appropriate less restrictive alternative available. Instead, the judge must determine that detention is more reasonable than an appropriate less restrictive alternative.

The act also requires a judge who declines to order detention to state the reasons why on the detention request form referenced above.

By law, if the judge issues a detention order, there must be a hearing on the next business day after the child's arrest to determine whether the detention should continue. One condition for this continued detention is that there is no less restrictive alternative available. If the detention order is upheld, the child must receive another hearing at least every seven days to determine whether to continue the detention (CGS § 46b-133(j)).

Maximum Hold Period in Community Correctional Center or Lockup (§ 1(e))

Under some circumstances, the act increases, from six to eight hours, the maximum period that a child may be held in a community correctional center or lockup without a judge's detention order. This longer period applies if the officer has (1) applied for a detention order but the judge has not yet ruled on it or (2) been unable to contact the child's parent or guardian.

EFFECTIVE DATE: October 1, 2022

§ 2 — SERIOUS HOMICIDE, FIREARM, OR SEXUAL OFFENDER JUVENILE PROSECUTION

Expands existing law on juvenile serious sexual offender prosecutions to also cover certain homicide and firearm crimes, and makes various changes affecting these cases, such as allowing the juvenile portion of the sentence to be extended for up to 60 months

Existing law allows a prosecutor to ask the court to designate a proceeding as a "serious sexual offender prosecution" when a juvenile is referred for a sexually related crime and the case is not transferred to adult court. The sentencing for juveniles convicted under this designation must include certain components beyond standard sentencing, including at least five years of "special juvenile probation" consisting of supervision by a juvenile probation officer until age 18 and an adult probation officer after that. If the juvenile does not waive the right to a jury trial, the case must be transferred to adult court where he or she must stand trial as an adult.

The act expands this law to include certain homicide or firearm related crimes and renames the designation as a "serious homicide, firearm, or sexual offender prosecution." It also makes various other changes affecting these cases, such as (1) allowing the juvenile portion of the sentence to be extended for up to 60 months and (2) raising the evidence threshold for the prosecutor to show that this designation serves the public safety.

EFFECTIVE DATE: October 1, 2022

Scope (§ 2(b))

Under existing law, a prosecutor can request this case designation for any crimes of a sexual nature that are adjudicated in juvenile court. The act allows prosecutors to also request this designation for the following crimes adjudicated in juvenile court:

1. murder;
2. 1st degree manslaughter;
3. 2nd degree manslaughter with a firearm;
4. 1st degree assault, if the violation involved a firearm;
5. 2nd degree assault with a firearm;
6. 2nd degree assault with a firearm of an elderly, blind, disabled, or pregnant person or person with intellectual disability;
7. 1st or 2nd degree kidnapping with a firearm;
8. 1st degree burglary, if the violation involved a firearm;
9. 2nd or 3rd degree burglary with a firearm;
10. robbery of an occupied motor vehicle, if the violation involved a firearm; or
11. stealing a firearm.

Court Hearing on Designation Request (§ 2(c))

Under existing law, after a prosecutor requests this case designation, the court must hold a hearing to decide whether to grant the request. Prior law required the court to grant the request if the prosecutor showed by a preponderance of the evidence that this designation would serve public safety. The act (1) raises this evidence threshold to "clear and convincing" and (2) also requires a court finding of probable cause that the child committed the crime.

Under existing law, the court's decision is not immediately appealable.

Sentencing (§ 2(d))

Under existing law, if the juvenile is convicted or pleads guilty, the court must sentence him or her (1) under the standard juvenile sentencing provisions, (2) to at least five years of special juvenile probation beginning on his or her release from placement, and (3) under the standard adult sentencing provisions with the sentence stayed as long as the juvenile does not violate the sentencing conditions or commit another crime. The act also allows the sentence under the standard juvenile sentencing provisions to be extended for up to 60 months.

Sentencing Condition Violations or Subsequent Crimes (§ 2(e))

In these cases, prior law authorized the court, without notice, to order a juvenile to be taken into custody whenever it appeared that he or she violated the conditions of the sentence or committed a new crime. The act instead requires probable cause of this violation or crime before the juvenile may be taken into custody. It also requires the court, if deciding to order the child into custody, to do so by issuing an arrest warrant.

Under existing law, if this violation or crime occurred while the person is still under age 18, it is handled by the juvenile court; otherwise, it is handled by the adult criminal court. If handled by the juvenile court, that court must notify the child, parent or guardian, and attorney, if any, of the alleged reasons for lifting the stay on the adult sentence. The juvenile has the right to a hearing to challenge those reasons.

After the hearing, if the court finds that the juvenile violated the conditions or committed a new crime, existing law requires the court to order the juvenile to serve a sentence not exceeding the adult sentence, unless it finds mitigating circumstances to continue the stay. The act also requires the court to order this, unless there are mitigating circumstances, if it finds by clear and convincing evidence that the community's best interest cannot be served by the juvenile's continued court supervision or supervision in the community.

Under existing law, the juvenile must receive credit for any time served in a juvenile facility.

§§ 3 & 4 — NOTICE TO TOWN OF FAILED FIREARM BACKGROUND CHECK

Requires DESPP to notify the police chief (or if none, the town first selectman or borough warden) if a resident failed a background check when trying to purchase a firearm

By law, before a handgun sale or transfer, the buyer or transferee generally must complete a DESPP-prescribed application. As part of this process, DESPP must conduct a national instant criminal background check and make a reasonable effort to determine whether there is any reason to disqualify the person from possessing a handgun. Similar requirements apply for long gun sales or transfers (for long guns, the law requires DESPP to make every effort, including conducting the background check, to assess the person's eligibility to receive the gun).

Under the act, if DESPP denies the transaction, the commissioner must notify the municipality that (1) there is a reason that prohibits the person from possessing a handgun or (2) the person is not eligible to receive a long gun, as applicable. Specifically, DESPP must notify the police chief where the person lives, or if none, the town first selectman or borough warden.

EFFECTIVE DATE: October 1, 2022

§§ 5, 19 & 20 — ACCESS TO JUVENILE DELINQUENCY RECORDS

Gives municipal employees and agents access to juvenile delinquency records if they are involved in the proceeding or delivery of related services; specifically requires that law enforcement officials have direct electronic access to certain juvenile delinquency records for criminal investigations; requires CSSD to report by March 1, 2023, on progress made toward implementing these provisions

The act gives municipal agency employees, and their authorized agents, the same access to juvenile delinquency case records as already applies to state or federal employees or agents. This access extends to employees or agents involved in the (1) delinquency proceedings, (2) direct provision of services to the child, or (3) delivery of court diversionary programs.

By law, law enforcement and prosecutorial officials have access to juvenile delinquency records for legitimate criminal investigations. The act specifies that law enforcement officials conducting such an investigation may have direct electronic access to the following information about a child who is being investigated: (1) pending juvenile delinquency charges and (2) any suspended detention orders or prior juvenile adjudications during the 90 days before the investigation started.

The act also specifies that law enforcement and prosecutorial officials have access to juvenile delinquency records for investigations as set forth in these provisions or detention orders.

CSSD Report (§ 20)

The act requires the CSSD executive director, by March 1, 2023, to report to the Judiciary Committee on progress made toward implementing these provisions on access to delinquency records.

EFFECTIVE DATE: June 1, 2023, except the CSSD reporting provision takes effect upon passage.

§ 6 — TRAINING PROGRAM ON DETENTION ORDER PROCESS

Requires the chief state's attorney to develop and implement a training program on the juvenile detention application process for prosecutors and most peace officers

The act requires the chief state's attorney to develop and implement a training program on a uniform process to apply

for detention orders for arrested juveniles.

It requires all prosecutorial officials and peace officers, except for judicial marshals and adult probation officers, to complete the training program as directed by the chief state's attorney. The chief state's attorney must (1) administer the program to these people, (2) set the manner and frequency for them to complete the program, and (3) update the program as necessary.

EFFECTIVE DATE: October 1, 2022

§§ 7 & 21 — DETENTION REQUEST FORMS AND DATA

Requires prosecutors, not just the police, to attach the official court detention form with the summons when requesting a detention order for a child; requires the form to instruct judges who decline to order detention to state their reasons why; requires prosecutors and the police, not just the judicial branch, to compile and categorize data on detention order requests

Existing law requires law enforcement officers who request a detention order for an arrested child to attach, along with the summons, a copy of the completed form to detain prescribed by the Office of the Chief Court Administrator. The act extends this requirement to prosecutorial officials who seek these orders.

Additionally, starting October 1, 2022, the act requires the form to instruct judges who decline to detain a child to state their reasons why in writing on the form.

Existing law requires the judicial branch to (1) compile data on law enforcement officers' requests for these detention orders, (2) sort the data by judicial district, and (3) categorize it based on how many requests were made and denied. The act extends these requirements to the Division of Criminal Justice, the State Police, and municipal police departments.

By law, starting by January 15, 2023, the judicial branch must annually report this data to the Judiciary Committee.

EFFECTIVE DATE: October 1, 2022, except the provision on the form's instruction to judges takes effect upon passage.

§§ 8-10 & 13-18 — LARCENY OF A MOTOR VEHICLE

Establishes a new penalty structure for larceny of a motor vehicle, with graduated penalties based on whether it is a first or subsequent offense, rather than based on the vehicle's value as under prior law

The act sets a new penalty structure for larceny of a motor vehicle. It provides for graduated penalties based on whether the person has prior convictions for this crime, rather than penalties based on the vehicle's value as under prior law. These changes result in a lower penalty for a first offense than under prior law; the penalty for subsequent offenses may differ from prior law, depending on the vehicle's value.

The act does so by creating a separate crime of larceny of a motor vehicle, punishable as follows:

1. a first offense is a class E felony (see Table on Penalties);
2. a second offense is a class D felony; and
3. a subsequent offense is a class B felony.

Prior law classified larceny of a motor vehicle as follows based on the vehicle's value:

1. $10,000 or less: 3rd degree larceny, a class D felony;
2. over $10,000 to $20,000: 2nd degree larceny, a class C felony; and
3. over $20,000: 1st degree larceny, a class B felony.

By law, if a person commits robbery of an occupied motor vehicle knowing that it is occupied, there is a three-year mandatory prison sentence in addition to the sentence for the underlying crime (CGS § 53a-136a).

The act also makes related technical and conforming changes.

EFFECTIVE DATE: October 1, 2022

§ 11 — DCF AND CSSD REPORT ON TRANSFER OF JUVENILE SERVICES

Requires DCF and CSSD to report on the transfer of juvenile delinquency services from DCF to the judicial branch under PA 18-31

PA 18-31 transferred, from the Department of Children and Families (DCF) to the judicial branch, legal authority over any child committed to DCF as delinquent under a juvenile court order entered before July 1, 2018.

The act requires the DCF commissioner and the CSSD executive director to identify each juvenile delinquency or juvenile justice service that DCF provided to children at the time of PA 18-31's passage. They must determine how DCF

transferred these services to CSSD and identify any services that were merged with other services, eliminated, or otherwise not transferred.

Under the act, the commissioner and executive director must report their findings to the Judiciary Committee by December 31, 2022.

EFFECTIVE DATE: Upon passage

§ 12 — CSSD REPORT ON JUVENILE JUSTICE ISSUES

Requires CSSD to review and report on certain juvenile justice issues, such as the effectiveness of pretrial diversionary programs

The act requires the CSSD executive director, by June 26, 2022 (i.e., within 30 days after the act's passage), to review the following:

1. juvenile probation officer staffing levels;
2. the name, number, location, and content of juvenile pretrial and diversionary programs and how effectively they reduce recidivism; and
3. the availability and efficiency of juvenile job training and juvenile drug treatment programs.

By December 31, 2022, the executive director must report to the Judiciary Committee on this review and any resulting legislative recommendations.

EFFECTIVE DATE: Upon passage

PA 22-129—SB 361
Judiciary Committee

AN ACT CONCERNING PROBATE COURT OPERATIONS

SUMMARY: This act makes changes in various laws governing probate court operations and related matters.

It makes changes in the Connecticut Parentage Act that (1) give the probate court, rather than the Superior Court's family division, jurisdiction over petitions to determine parentage of a child born to an unvalidated genetic surrogacy agreement (§§ 6 & 7) and (2) eliminate a prior provision that allowed the parties to agree to waive service of process in a parentage proceeding pursuant to a gestational surrogacy agreement (§ 5).

The act expands the types of children's matters that may be heard in regional children's probate courts to include, among other things, certain additional parentage-related orders under the Parentage Act.

It extends an existing law on disclosing a person's COVID-19 vaccination information to also cover the person's court-appointed fiduciary.

It also requires employers, under certain conditions, to grant employees time off to vote in probate special elections, as existing law requires for certain other elections.

By law, when settling a decedent's estate, the estate's fiduciary must (1) ask the probate court to issue a certificate of devise (i.e., gift by will), descent, or distribution and (2) have it recorded on the land records of each town where the real property is located. The act requires that the certificate include the mailing address, not just the residential address, of each recipient of real property from the estate (§ 4).

The act also makes conforming changes.

EFFECTIVE DATE: July 1, 2022

§ 3 — REGIONAL CHILDREN'S PROBATE COURTS

Existing law allows probate courts within designated regions to transfer certain children's matters to a regional children's probate court. The act expands the types of children's matters that may be transferred to such a court to include the following:

1. issuing marriage licenses to 16- and 17- year-olds (by law, a minor this age can marry only with probate court approval, upon petition of the minor's parent or guardian);
2. validating genetic surrogacy agreements; and
3. parentage orders related to (a) assisted reproduction, (b) a gestational surrogacy agreement, or (c) a validated genetic surrogacy agreement (existing law already allows certain other types of parentage orders to be transferred to regional children's probate courts).

§ 1 — COVID-19 VACCINATION STATUS INFORMATION

Under existing law, if a person received a COVID-19 vaccination, the Department of Public Health (DPH) must give the person (or if a minor, a parent or guardian), upon request, information on the person's COVID-19 vaccination status from the person's vaccination provider. Otherwise, DPH must not disclose this information without consent.

The act extends this law by requiring DPH to provide this information to the person's court-appointed fiduciary upon request. It correspondingly allows the fiduciary to consent to further disclosure of the person's COVID-19 vaccination status.

§ 2 — TIME OFF TO VOTE IN PROBATE SPECIAL ELECTIONS

A 2021 law requires employers, through June 30, 2024, to grant employees, upon request, two hours of unpaid time off from their regularly scheduled work to vote on the day of (1) a regular state election or (2) certain special elections (those for a congressperson or state legislator).

The act additionally requires employers to give this time off for special elections for a probate court judge. As under existing law for other special elections, this requirement applies only to employees who are already electors.

Under this law, the time off must occur during regular voting hours and the employee must make the request at least two working days before the election.

PA 22-134—HB 5469
Judiciary Committee

AN ACT CONCERNING EMPLOYEE RECORD KEEPING

SUMMARY: The state's "tip credit" law generally allows the employers of certain employees who customarily receive tips to count the tips as a portion of their minimum wage requirement, which reduces the employer's share of the minimum wage, as long as the tips make up the difference. This act specifies that any claims brought after September 24, 2022, under the state's tip credit law or certain related laws and regulations must be adjudicated solely under a tip credit regulation that became effective on September 24, 2020 (see below), and any amendments to it.

The act applies to claims brought under (1) the tip credit law; (2) the law that governs civil suits over unpaid minimum and overtime wages (CGS § 31-68), as it relates to the tip credit; and (3) a regulation that establishes certain conditions that an employer must meet to claim the tip credit (Conn. Agencies Regs. § 31-62-E3).
EFFECTIVE DATE: Upon passage

SEPTEMBER 24, 2020, TIP CREDIT REGULATION

This regulation generally allows employers to claim the tip credit if the (1) employee is engaged in employment for which tips are customarily and usually included in and recognized as part of his or her pay for hiring purposes; (2) tips claimed for the tip credit are recorded in a wage record on a daily, weekly, or bi-weekly basis; and (3) employer provides substantial evidence that the employee received tips that at least equaled the tip credit amount claimed (Conn. Agencies Regs. § 31-60-2).

PA 22-136—SB 424
Judiciary Committee

AN ACT CONCERNING REAL ESTATE AND THE PROBATE COURTS

SUMMARY: This act creates a process by which a person who has title interest in real property subject to liens for unpaid probate fees can petition the probate court to have the liens released.

Among other things, the act:

1. establishes the circumstances under which a petition can be filed and requires that it be accompanied by an affidavit (or affidavits) with specific statements by the petitioner or his or her attorney;
2. generally requires the petitioner to submit an estate tax return;
3. requires the court to determine if the act's requirements have been met and issue an invoice for the probate fees

and interest, which the petitioner must pay to the court; and

4. requires the court to release the lien and issue a certificate of release within 10 days after all requirements have been met.

The act also specifies that no one is entitled to a refund for a probate court fee paid for settling a decedent's estate if the fee was based on the gross estate for succession tax purposes (§ 2).

Lastly, the act releases liens imposed under the succession and estate tax laws in effect before January 1, 2005. It also deems certain other estate tax liens to be released 10 years after a decedent's death.

EFFECTIVE DATE: Upon passage

PROCESS TO RELEASE PROBATE FEE LIENS

Petition to the Probate Court

The act allows a person who has title interest in real property that is subject to a lien for probate fees to petition the probate court for a release of the lien if:

1. the lien arises out of a decedent's retained life use or survivorship interest in the property;
2. the decedent died more than 10 years before the petition was filed;
3. a proceeding to settle the decedent's estate has not been started in a Connecticut probate court;
4. a Connecticut estate or succession tax return for the decedent's estate has not been filed with the probate court or the Department of Revenue Services (DRS);
5. DRS has not assessed an estate tax; and
6. based on the value of all known property and taxable gifts, a Connecticut estate tax could not be assessed in connection with the decedent's estate.

Under the act, the petition must be filed with the probate court for the district in which the decedent was domiciled at death or last resided. But if the decedent was not a state resident at death, it must be filed in the probate district where the real estate is located.

Petitioner's Affidavit

Under the act, the lien release petition must include one or more affidavits from the petitioner or the petitioner's attorney. The affidavits must include:

1. a statement that the petitioner did not receive the title interest from the decedent as its immediate successor in interest in the chain of title or as a devise or distribution from the decedent's estate;
2. a statement that the affiant (i.e., person making the sworn statement in the affidavit) does not have the information required to file a complete Connecticut estate tax return;
3. evidence that demonstrates that a diligent search was made to locate the decedent's heirs, beneficiaries, and transferees;
4. a statement that any heirs, beneficiaries, or transferees who were located failed or refused to file a Connecticut estate tax return; and
5. a recitation of facts known to the affiant regarding the act's requirements.

The act specifies that any affidavits submitted by the petitioner's attorney must be made based on the attorney's own knowledge and must not be construed to be submitted on behalf of the attorney's client.

Estate Tax Return

The act requires the petitioner, except as allowed by the above affidavit, to submit an estate tax return reporting (1) the value of the real property that is the subject of the petition and (2) to the best of the petitioner's knowledge, the value of all other property the decedent owned at the time of death and taxable gifts made by the decedent on or after January 1, 2005.

Probate Court's Determination

The act requires the probate court, upon receiving the petition and any affidavits and estate tax return, to determine whether the petition meets the act's requirements. The act allows the court to act on the petition with or without a hearing.

Probate Court Fees

Under the act, if the court determines that the petition meets the act's requirements, the court must (1) calculate the probate fees on the decedent's estate based on the value of all known property and taxable gifts reported on the estate tax return, together with any applicable interest, and (2) issue an invoice for the fees and interest to the petitioner.

The act requires the petitioner to pay the applicable probate fees and interest to the probate court.

Certificate of Release

The act requires the probate court to release a lien in these cases after it receives the probate fees and interest. Specifically, the court must issue certificates of release within 10 days after receiving the fees and interest.

The act requires the lien release petitioner to include in the petition, to the best of his or her knowledge, all known real property to which the lien applies. A lien release obtained under this new process applies only to the real property reported on the estate tax return. Any other real property interest of the decedent must continue to be subject to all applicable liens.

Refund of Fees After the Release

Under the act, if the probate court receives an estate tax return for the decedent's estate and the applicable probate fees and interest after issuing a certificate of release, the court must refund the petitioner's probate fees on his or her request. The petitioner is not entitled to a refund of any interest.

§ 3 — RELEASE OF SUCCESSION AND ESTATE TAX LIENS

PA 05-257 eliminated the succession tax, and the former estate and gift tax, replacing them with a new uniform estate and gift tax. By law, the succession tax applied to the estates of decedents who died on or before January 1, 2005. A 2018 law (PA 18-26) limited succession tax filing requirements to those estates.

The act generally releases certain liens imposed under the state's succession and estate tax laws in effect before January 1, 2005.

Specifically, the act deems as released any lien on real estate in Connecticut for the:

1. succession tax, except for estates of decedents who died on or before January 1, 2005, and that had filed a succession tax return or been assessed a tax by the DRS commissioner before October 1, 2018, or
2. estate tax, as in effect before January 1, 2005, and that had filed a return or been assessed a tax by the DRS commissioner before the passage of this act (May 27, 2022).

Regardless of any other state tax law, under the act, any lien on real estate in Connecticut for the estate tax, as in effect after December 31, 2004, is deemed released 10 years after the decedent's death, except for estates that have filed a return or been assessed an estate tax before 10 years after the decedent's death.

Under the act, no lien that is released under the provisions above can serve as the basis for a refund claim or result in a refund of any payments that were made or otherwise applied by the DRS commissioner against the taxes that gave rise to the liens.

PA 22-17—SB 418
Labor and Public Employees Committee
Judiciary Committee

AN ACT CONCERNING WAGE THEFT

SUMMARY: This act changes the penalties for prevailing wage job contractors and subcontractors that knowingly or willfully fail to pay their workers the required prevailing wage (see BACKGROUND). Prior law required the labor commissioner to issue fines ranging from $2,500 to $5,000 for these violations. The act instead allows her to impose a $5,000 fine and requires her to issue a citation for each violation.

The act also changes the penalties that prohibit (debar) a contractor or subcontractor that violated the prevailing wage law from contracting with the state or its municipalities. Generally, it (1) allows the labor commissioner to refer knowing and willful violators for debarment, instead of requiring debarment for a certain period (as prior law did), and (2) broadens the debarment penalty to also cover contractors and subcontractors who enter into certain settlements with the commissioner to resolve claims for prevailing wage violations.
EFFECTIVE DATE: July 1, 2023

CITATIONS, FINES, & DEBARMENT

Prior law required that a contractor or subcontractor that knowingly or willfully paid a worker on a prevailing wage project less than what the prevailing wage law required be fined $2,500 to $5,000 and debarred for a certain period. First time violators were debarred until six months after they had repaid the owed wages and subsequent violators were debarred until two years after they had repaid the owed wages.

Citations & Fines

The act instead (1) requires the labor commissioner to issue a citation to such a contractor or subcontractor if, upon inspection or investigation of a complaint, she believes that it committed the violation and (2) allows, but does not require, her to impose a $5,000 fine.

Listing and Debarment

The act also removes the debarment requirements for knowing and willful violators and instead requires the labor commissioner to maintain a list of any contractor or subcontractor that, during the previous three calendar years, (1) violated the prevailing wage law or (2) entered into a settlement with the commissioner to resolve any claims the commissioner brought under that law.

For each contractor or subcontractor on the list, the commissioner must record the (1) nature of the violation, (2) total amount of wages and fringe benefits "making up" the violation or agreed upon in the settlement, and (3) total amount of civil penalties and fines agreed upon by the commissioner. (The act does not further specify how to determine the wages and benefits "making up" a violation.)

The act requires the commissioner to annually review the list on May 1, for the preceding rolling three-year period. It allows her to "refer for debarment" any contractor or subcontractor that violated the prevailing wage law during that period. And it requires her to do so for any contractor or subcontractor with whom she entered into one or more settlements that, over the period, totaled more than $50,000 in (1) back wages or fringe benefits or (2) civil penalties or fines agreed upon by the commissioner. The act allows any contractor or subcontractor referred for debarment to request a hearing with the commissioner under the Uniform Administrative Procedures Act.

Existing law, unchanged by the act, (1) requires the commissioner to maintain a list of persons or firms that have disregarded their obligations under the prevailing wage law (i.e., the debarment list) and (2) prohibits the state and its political subdivisions from contracting with any persons or firms on the list for up to three years, as determined by the commissioner (CGS § 31-53a). (It is unclear if the act's provisions on "referring" a contractor or subcontractor for debarment involve placing the contractor or subcontractor on this list.)

BACKGROUND

Prevailing Wage

The state's prevailing wage law requires employers on certain public works projects to pay their construction workers wages and benefits equal to those that are customary or prevailing for the same work, in the same trade or occupation, in the same town. The requirement applies to new construction projects of $1 million or more and renovation projects of $100,000 or more.

PA 22-67—sSB 210
Labor and Public Employees Committee

AN ACT CONCERNING TECHNICAL AND OTHER CHANGES TO THE LABOR DEPARTMENT STATUTES

SUMMARY: This act makes various unrelated changes in the Department of Labor (DOL) statutes. Among other things, it does the following:

1. reduces DOL's reporting requirements on the Subsidized Training and Employment (STEP-UP) program and Unemployed Armed Forces Member Subsidized Training and Employment (Veterans STEP-UP) program (§§ 2 & 3),
2. makes various changes to the unemployment insurance reform measures passed in 2021 (§§ 5 & 6), and
3. repeals various obsolete statutes (§ 17).

The act removes a statutorily specified process for filing employee complaints about imminent danger of physical harm or violations of the state occupational safety and health act (OSHA) standards that apply to public-sector employers and employees (§ 14). (The federal OSHA Field Operations Manual also covers this process, and the state has adopted it for these purposes.) It also removes requirements for the labor commissioner to:

1. collect (a) population and employment data to make projections about the workforce and (b) data about present job requirements and potential needs of new industry (§ 1),
2. adopt regulations establishing procedures and requirements for granting exemptions to statutory meal period requirements (§ 4), and
3. adopt regulations on alternate use committees (i.e., committees within certain defense contractors that must prepare plans to reduce or eliminate the contractor's dependence on defense contracts) (§ 13).

The act requires the labor commissioner to make the state's unemployment laws, regulations, and other related materials available on DOL's website, rather than in print, and removes the need for the administrative services commissioner's approval (§ 12).

Lastly, the act makes various technical and conforming changes (§§ 7-11 & 15-16).

EFFECTIVE DATE: Upon passage

§§ 2 & 3 — CHANGES TO STEP-UP AND VETERAN STEP-UP REPORTING REQUIREMENTS

Prior law required DOL to issue reports about the STEP-UP and Veterans STEP-UP programs twice each year, by January 15 and July 15. The act limits the reporting requirements to fiscal years in which the programs are awarding grants, with only one report due for the year by October 1. Correspondingly, it requires that the reports cover the previous fiscal year, rather than the previous six months. By law, the reports must (1) generally include information on the number of businesses and individuals participating in the programs and (2) be submitted to the Appropriations; Finance, Revenue and Bonding; and Labor and Public Employees committees.

§§ 5 & 6 — CHANGES TO THE 2021 UNEMPLOYMENT INSURANCE REFORM ACT

Experience Periods and Experience Rates (§ 5)

PA 21-200 made numerous changes to the state's unemployment insurance laws, most of which take effect in 2024. The act makes several revisions to PA 21-200's provisions, as described below.

By law, an employer pays an unemployment tax experience rate based on the unemployment benefits collected by its former employee over a certain experience period (typically the previous three years). DOL annually determines each employer's experience rate by calculating a benefit ratio for the employer over the experience period. This is the ratio between the amount charged to the employer's experience account for benefits paid to former employees and the amount of the employer's taxable wages.

PA 21-200 established a one-year experience period for employers in calendar year 2026 and a two-year experience

period for employers in calendar year 2027. The act removes these provisions, reverting to a three-year experience period for 2026 and 2027.

It also makes a related change to employers' experience rates for 2026 and 2027. PA 21-200 requires that each employer's charged rate for the 2024 and 2025 calendar years be divided by 1.471 and 1.269, respectively. The act further requires that the rates for the 2026 and 2027 calendar years be divided by 1.125 and 1.053, respectively.

Starting on January 1, 2024 (when PA 21-200's changes become effective), the act also requires that if an employer's benefit ratio quotient is not an exact multiple of 0.1%, the charged rate must be the next highest multiple. Existing law requires this same rounding-up for determining the rates before 2024.

In addition, under PA 21-200, if the average benefit ratio of all employers within an industry sector increases over the prior calendar year's average by at least 0.01, DOL must adjust the benefit ratio for each employer in that sector downward by 50% of the average increase for the sector. The act applies this requirement starting with calendar year 2024, rather than calendar year 2022 (as PA 21-200 required).

Minimum Unemployment Benefit (§ 6)

For benefit years starting after 2024, PA 21-200 generally requires that the minimum weekly unemployment benefit for all workers be adjusted for inflation (unless the federal government fully funds a supplement to the benefit). The act excludes from this requirement (1) the application of a construction worker's base period wages in determining his or her benefits or (2) a reduction in the maximum benefit allowed by law.

The act also excludes the application of the constructions workers' base period wages in determining their benefits, or a reduction in the maximum benefit allowed by law, from the law that makes the maximum benefit allowed to construction workers the same as the maximum benefit allowed to non-construction workers.

§ 17 — REPEALED STATUTES

The act repeals obsolete statutes on the subjects shown in the table below.

Statutes Repealed by the Act

Repealed Statute	*Subject*
CGS §§ 31-3y & 31-3z	DOL providing self-employment assistance
CGS § 31-9	DOL's Department of Factory Inspection
CGS § 31-11*ll*	DOL commissioner developing a universal intake form for American Job Center and Workforce Development Board facilities and annually reporting on the number of people using job center services to the Labor Committee
CGS § 31-40a	Requiring physicians and advanced practice registered nurses to report certain types of occupational poisonings to DOL
CGS § 31-40b	Requiring employers to provide lung function tests to certain employees
CGS § 31-40u	DOL commissioner adopting regulations for employees using video display terminals in state facilities

---

PA 22-88—sHB 5248
Labor and Public Employees Committee

AN ACT CONCERNING COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS ON OCCUPATIONAL LICENSING

SUMMARY: This act limits the circumstances under which various state agencies, boards, and commissions that issue occupational licenses (including certificates and permits) may take certain actions against a practitioner because the practitioner was found guilty or convicted of a felony. These actions include denying, revoking, or suspending a license. More specifically, the act only allows them to do so if the decision is based on (1) the nature of the conviction, (2) the conviction's 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.

The act also creates a process for individuals convicted of a crime to find out if the conviction would disqualify them from practicing these occupations. To do so, they generally must provide information about the conviction to the relevant licensing entity, which must respond within 30 days.

For certain occupations, the act also prohibits the relevant licensing entities from taking certain disciplinary actions summarily (i.e., immediately) upon learning that a practitioner was found guilty or convicted of a felony (§ 2).

The law generally authorizes the Department of Public Health (DPH) to deny an occupational permit or license for an applicant who has been found guilty or convicted of a felony (in Connecticut, under federal law, or in any other jurisdiction if it would have been a felony in Connecticut). However, DPH cannot do this for barbers, hairdressers, or cosmeticians. The act broadens this exception to also prohibit DPH from denying a permit or license for embalmers and funeral directors because they were found guilty or convicted of a felony (§ 1).

EFFECTIVE DATE: October 1, 2022

§§ 3-35 — LICENSE DENIALS AND OTHER DISCIPLINARY ACTIONS FOR CONVICTIONS

Existing law allows the various occupational licensing boards or commissions and state agencies to take certain disciplinary actions against a practitioner convicted of a felony, or for certain other reasons that may vary depending on the occupation (e.g., failure to meet professional standards; fraud). Depending on the occupation, these may include revoking or suspending a license or permit, censuring or reprimanding the practitioner, limiting or restricting the practitioner's practice, placing the practitioner on probationary status, or assessing a civil penalty.

The act generally adds denying a license, certificate, or permit to the types of disciplinary actions that these licensing entities may take. (In some instances, existing law already allows for a denial.) But if the disciplinary action is due to a practitioner's felony conviction, the act requires that it be based on (1) the conviction's nature and its relationship to the practitioner's ability to perform the associated duties or responsibilities safely or competently, (2) information about the practitioner's degree of rehabilitation, and (3) the time passed since his or her conviction or release. These criteria generally align with a similar provision in the state's anti-discrimination law (see BACKGROUND).

The table below shows the occupations to which these provisions in the act apply. Below the table is additional information about the act's differences for licensing architects; private detectives, detective businesses, and investigators; and security services, security officers, and security officer instructors.

Occupations With Disciplinary Actions Limited by the Act

Act Sections	*Statutes (CGS §)*	*Occupation*
3-4	20-195o 20-195p	Clinical social worker and master social worker
5-6	20-195cc 20-195ee	Professional counselor and professional counselor associate
7-8	20-195ooo 20-195qqq	Art therapist
9-10	20-206n 20-206s	Dietician-nutritionist
11-12	20-265b	Esthetician
13-14	20-265c	Eyelash technician
15-16	20-265d	Nail technician
17-18	20-280e	Public accountant

Act Sections	*Statutes (CGS §)*	*Occupation*
	20-281a	
19-20	20-291 20-294	Architect
21	20-334	Tradesperson in electrical; plumbing and piping; solar; heating, piping, cooling, and sheet metal; fire protection sprinkler systems; elevator installation, repair, and maintenance; irrigation; automotive glass; flat glass; or gas hearth work field Residential stair lift technician; swimming pool builder (and other occupations covered by Chapter 393)
22	20-341gg	Major contractor
23-24	20-361 20-363	Sanitarian*
25	20-442a	Asbestos contractor, consultant, abatement worker, and site supervisor
26-27	20-475 20-481	Lead abatement consultant, contractor, worker, and other specified lead abatement-related occupations
28-29	20-540	Public service gas technician
30	22a-66e	Pesticide application business*
31	23-61i	Arborist business*
32-33	29-154a 29-158	Private detective, detective business, or investigator
34	29-161v	Security service, security officer, or security officer instructor
35	30-47	Liquor permittee*

*The law already allows license denial as a disciplinary action

Architects (§§ 19 & 20)

Neither existing law nor the act explicitly allows denying an architect license as a disciplinary action. The act's limits only apply to license suspensions or revocations, censures, and civil penalties imposed due to a felony conviction.

Private Detective, Detective Business, or Investigator (§§ 32 & 33)

Existing law, unchanged by the act, prohibits issuing these licenses and registrations to individuals convicted of any felony, certain specified misdemeanors (for private detective or detective business licenses), any sexual offense (for private investigator registrations), or offenses involving moral turpitude. The act's limits only apply to suspending or revoking these licenses and registrations when the Department of Emergency Services and Public Protection (DESPP) commissioner finds that the licensee or registrant has been convicted of a felony or other crime involving moral turpitude.

Security Service, Security Officer, or Security Officer Instructors (§ 34)

Neither existing law nor the act explicitly allows denying these licenses as a disciplinary action. The act's limits only apply to these license suspensions or revocations when the DESPP commissioner finds that the licensee or instructor has been convicted of a felony.

Prior law also allowed these licenses to be suspended or revoked if the licensee was convicted of a crime affecting the licensee's honesty, integrity, or moral fitness. The act removes crimes affecting the licensee's moral fitness from the types

of crimes for which the license may be suspended or revoked.

PROCESS TO LEARN ABOUT DISQUALIFICATION

For all of the occupations listed in the table above, the act creates a process through which people who were convicted of a crime can learn whether their conviction would disqualify them from attaining the relevant license, certificate, or permit.

Under the act, anyone convicted of a crime may ask the relevant licensing authority at any time to determine if the conviction disqualifies him or her from obtaining the applicable license based on (1) the nature of the conviction and its relationship to the person's ability to perform the associated duties or responsibilities safely or competently, (2) information about the person's degree of rehabilitation, and (3) the time passed since the person's conviction or release.

The person must include details about the conviction and any required payment. The act allows the licensing entities to charge a fee of up to $15 per request, which may be waived. Within 30 days after receiving the request, the applicable licensing entity must inform the person if he or she is disqualified from receiving or holding the relevant license, permit, or certificate based on the criminal record information submitted.

The act specifies that the licensing entity is not bound by its determination if, upon further investigation, it determines that the person's conviction differs from the information presented in the determination request.

§ 2 — IMMEDIATE DISCIPLINARY ACTIONS

The law allows various occupational licensing boards or commissions and DPH to take certain actions against a practitioner summarily if they receive proof that the practitioner was found guilty or convicted of a felony. These disciplinary actions can include summarily revoking or suspending a license or permit, censuring or reprimanding the practitioner, limiting or restricting the practitioner's practice, and placing the practitioner on probationary status.

The act prohibits these disciplinary actions from being taken summarily against licensed clinical social workers and master social workers, art therapists, dietician-nutritionists, embalmers and funeral directors, barbers, hairdressers, cosmeticians, estheticians, eyelash technicians, or nail technicians who were found guilty or convicted of a felony.

BACKGROUND

Anti-Discrimination Law

Subject to certain exemptions, the state's anti-discrimination law generally prohibits someone from being disqualified to practice any occupation that requires a state-issued license solely because of a prior criminal conviction. However, such a person may be denied a license after considering (1) the nature of the crime and its relationship to the job; (2) information about the person's degree of rehabilitation; and (3) the time elapsed since the conviction or release (CGS § 46a-80).

PA 22-89—sHB 5250
Labor and Public Employees Committee

AN ACT CONCERNING MINOR AND TECHNICAL CHANGES TO THE WORKERS' COMPENSATION ACT

SUMMARY: This act makes many minor and technical changes in workers' compensation law. It replaces the term "administrative law judge" with "chairperson" in several places to clarify that certain actions are taken by the chairperson of the workers' compensation commission, rather than one of the regional judges under the chair. It also makes consistent the allowed methods for delivering notices required in the workers' compensation process (i.e., in accordance with CGS § 31-321).

EFFECTIVE DATE: Upon passage

PA 22-139—sSB 313
Labor and Public Employees Committee

AN ACT CONCERNING ADOPTION OF THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY CANCER RELIEF BENEFITS FOR FIREFIGHTERS

SUMMARY: This act requires each town to make annual contributions to the state's firefighters cancer relief account, which is used to provide wage replacement benefits to eligible paid and volunteer firefighters diagnosed with cancer. Beginning January 1, 2024, each town must generally contribute $10 for each career or volunteer firefighter in its fire district or districts by December 15 of each year. However, the act only requires towns to contribute funds for firefighters who meet certain work experience and other criteria.

The act specifies that wage replacement benefit approval for a firefighter does not create a presumption that the firefighter's cancer was work-related for a workers' compensation claim.

The act also requires the:

1. Joint Council of Connecticut Fire Service Organizations to craft a maintenance and remediation plan for toxic substances on firefighter turnout gear and submit it to the Commission on Fire Prevention and Control by July 1, 2023 (§ 1);
2. Workers' Compensation Commission to (a) maintain a record of all firefighters' workers' compensation claims made due to a cancer diagnosis and (b) report a summary of the records to the Labor and Public Employees Committee each year by January 1 (§ 2); and
3. comptroller to conduct a feasibility study on providing pension benefits to firefighters who retired early due to a qualifying cancer diagnosis and had not met the service years required for a full pension (§ 4).

EFFECTIVE DATE: Upon passage, except the provision on municipal contributions to the firefighters cancer relief account is effective January 1, 2024.

§ 1 — TURNOUT GEAR REMEDIATION PLAN

The act requires the Joint Council of Connecticut Fire Service Organizations, in consultation with the Connecticut State Firefighters Association, to craft a maintenance and remediation plan for toxic substances on firefighter turnout gear. The plan must be submitted for approval to the Commission on Fire Prevention and Control by July 1, 2023, and upon approval the commission must advise fire departments on plan implementation.

Under the act, each fire department must adopt a maintenance and remediation plan for toxic substances on firefighter turnout gear within 90 days after the commission's approval.

§ 3 — FIREFIGHTERS CANCER RELIEF PROGRAM

By law and unchanged by the act, a subcommittee of the Connecticut State Firefighters Association awards wage replacement benefits under the state's firefighters cancer relief program. The act specifies that an award does not create a presumption that the firefighter's cancer was work-related for a workers' compensation claim for the cancer. It further provides that nothing in the program's law may be construed to diminish or affect in any manner a firefighter's rights and benefits or any rights and defenses that an employer may have under the state's workers' compensation law.

Also by law and unchanged by the act, wage replacement awards through the cancer relief program cannot be used as evidence, proof, or acknowledgment of liability or causation in a workers' compensation proceeding.

§ 4 — PENSION STUDY ON EARLY RETIREMENT DUE TO CANCER

The act requires the comptroller to study the feasibility of providing pension benefits when a firefighter's service years do not meet the full pension requirement because a qualifying cancer diagnosis caused an early retirement. The study must examine the feasibility of implementing a prorated benefit for early retirement situations.

The comptroller must report the findings and any recommendations to the Labor Committee. (The act does not provide a deadline for the study.)

§ 5 — MUNICIPAL PAYMENTS INTO THE FIREFIGHTERS CANCER RELIEF ACCOUNT

Beginning January 1, 2024, the act requires each town to contribute $10 to the firefighters cancer relief account for each career or volunteer firefighter in the town's fire district or districts. The contributions must be made by each December 15 and based on the number of career and volunteer firefighters in the town at the time of the contribution.

Towns must only contribute funds for firefighters who have served at least five years as (1) 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 other class of inspector or investigator whose position meets minimum qualifications under state law set by the state fire marshal and the Codes and Standards Committee. Further, the firefighters must also have (1) submitted to annual physical examinations after starting their service that failed to reveal evidence of cancer or a propensity for cancer and (2) not used cigarettes or any other tobacco products, as defined in state law, within 15 years.

PA 22-1—sHB 5271
Planning and Development Committee

AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD AND BEVERAGE SERVICES AND OUTDOOR DISPLAYS OF GOODS

SUMMARY: This act:

1. extends by 13 months, until April 30, 2023, a law that broadly permits the continuation of as-of-right outdoor dining and retail activities authorized by the governor's executive orders during the pandemic (§ 1); and
2. correspondingly delays, from April 1, 2022, to May 1, 2023, the effective date of provisions requiring municipalities to allow, indefinitely, outdoor dining as an as-of-right accessory use to a food establishment (§ 2).

The act requires outdoor activities to be operated so that pedestrian pathways and means of access comply with the physical accessibility guidelines in the State Building Code. Existing law already require pathways to be constructed, and access to be provided, that comply with the Americans with Disabilities Act's (ADA) physical accessibility guidelines.

By broadly authorizing the continuation of outdoor dining and retail activities through April 30, 2023, the act also extends the sunset of, among other things: (1) the process for zoning officials to expedite a public hearing on outdoor activity-related zone changes or zoning regulation changes and (2) a requirement that the Department of Transportation expedite reviewing requests to close any part of the vehicular portion of a state highway right-of-way for outdoor activities (§ 1).

The act also makes technical and conforming changes, including repealing a law that was set to take effect on April 1, 2022 (§ 3) and replacing it with substantially similar provisions taking effect on May 1, 2023 (§ 2).

EFFECTIVE DATE: Upon passage, except the permanent outdoor dining accessory use authorization is effective May 1, 2023.

EXTENSION OF CURRENT OUTDOOR ACTIVITIES LAW

SA 21-3 authorized the continuation of outdoor retail and dining activities, as permitted by the governor's executive orders. SA 21-3 took effect on March 31, 2021, and was set to sunset on March 31, 2022. The act delayed this sunset by 13 months, until April 30, 2023. Under this law, if a business that is not already engaged in outdoor dining or retail activities pursuant to an executive order wants to start engaging in them, it must apply to the local zoning or building official, who will conduct an administrative review of the application (§ 1).

In conformity with the delayed sunset, the act also delays provisions enacted as part of PA 21-2, June Special Session, § 182, which will take effect after that sunsetting and generally require municipalities to allow, in perpetuity, outdoor dining as an accessory use to a food establishment. The act does this by repealing the law (CGS § 8-1cc) that was set to take effect on April 1, 2022, and replacing it with substantially similar provisions taking effect May 1, 2023. Under both the repealed and replacement provisions, unless the standard zoning approval process was followed, to continue outdoor dining operations after April 30, 2023, businesses will have to seek local approval under the act's terms (§§ 2 & 3).

EXPANDED ACCESSIBILITY REQUIREMENTS

Both laws already specifically allow outdoor activities on public sidewalks and abutting pedestrian pathways where vehicles are not allowed, if a pathway is provided that:

1. is constructed in compliance with the federal ADA's physical accessibility guidelines,
2. extends for the length of the lot (parcel),
3. is at least four feet wide (excluding any portion that is on a street or highway), and
4. remains unobstructed for pedestrian use.

The act also requires the pathway to be (1) constructed and maintained in compliance with the State Building Code's physical accessibility guidelines and (2) maintained in compliance with the ADA's physical accessibility guidelines.

Both laws also allow outdoor activities on certain nearby lots, yards, courts, or other open spaces if the use complies with any applicable requirements for access or pathways under the ADA's physical accessibility guidelines. The act expands this requirement by requiring that the use also comply with access- or pathway-related physical accessibility guidelines in the State Building Code.

RELATED ACT

PA 22-118, § 206, specifies that if outdoor dining operators are liquor licensees or permittees, they must comply with applicable provisions of title 30 (i.e., the Liquor Control Act). This requirement applies to operations approved pursuant to PA 22-1, § 2.

PA 22-3—sHB 5269
Planning and Development Committee

AN ACT CONCERNING REMOTE MEETINGS UNDER THE FREEDOM OF INFORMATION ACT

SUMMARY: The Freedom of Information Act generally requires public agencies to make their meetings, other than executive sessions, open to the public. This act makes permanent the authority for these agencies to hold publicly accessible meetings through electronic equipment (e.g., by telephone, video, or other conferencing platforms) or electronic equipment combined with an in-person meeting (hybrid meetings). Prior law allowed them to do so only until April 30, 2022.

The act also explicitly allows regional school districts to hold a remote or hybrid public meeting when presenting a proposed budget. By law, regional school districts must present the proposed budget at a public district meeting at least two weeks before the district's annual meeting.

EFFECTIVE DATE: Upon passage, except the provision for regional school districts is effective October 1, 2022.

BACKGROUND

Remote and Hybrid Meeting Requirements

PA 21-2, June Special Session, § 149, established requirements for public agencies holding a meeting using electronic equipment. Among other things, agencies must (1) provide (a) at least 48 hours' notice of a regular meeting held in this manner and (b) instructions for how the public may attend the meeting and (2) make a recording or transcript of the meeting available to the public for at least 45 days afterward. They must also provide members of the public with a physical location and the equipment needed to attend the meeting in real-time, if requested, and the same opportunities to participate that they would have if the meeting were held in-person.

PA 22-23—SB 224
Planning and Development Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO STATUTES CONCERNING PLANNING AND DEVELOPMENT

SUMMARY: This act makes minor and technical changes to various planning and development-related statutes. The act's changes are mostly grammatical and to clarify internal statutory references, many of which are about the state plan of conservation and development.

EFFECTIVE DATE: October 1, 2022

PA 22-35—sHB 5427
Planning and Development Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF FINANCE WITHIN THE OFFICE OF POLICY AND MANAGEMENT

SUMMARY: This act changes the criteria for designating, and ending the designation of, municipalities as tier I, II, III, or IV for state fiscal oversight and control by the Municipal Finance Advisory Commission (MFAC) or Municipal Accountability Review Board (MARB), as applicable (see BACKGROUND). In doing so, it generally establishes new criteria for detecting municipal fiscal distress. As under existing law, the municipality's degree of distress determines its designated tier.

Under prior law, municipalities had to request designation as a tier I or II municipality. The act establishes criteria for the Office of Policy and Management (OPM) secretary to designate them as such, without them requesting it (e.g., for failing to submit an audit or being in a condition that would trigger eligibility for voluntary designation). The act also establishes conditions under which MFAC may recommend to the OPM secretary that a designated tier I municipality that it is working with be redesignated as tier II or III, making the municipality subject to MARB's oversight.

The act subjects all designated municipalities to the same criteria for determining whether their designation ends. The revised criteria are similar to the criteria previously used. The act also makes it easier to re-designate a municipality as tier I-IV after its initial designation ends.

Regarding MARB's oversight, the act also does the following:

1. specifies that the OPM secretary must consult with MARB to determine whether any Municipal Restructuring Fund assistance funds should be provided as a loan (§§ 6 & 14) and
2. limits the municipalities for which MARB may approve or reject a municipal or board of education collective bargaining agreement or amendment (§ 10).

The act also makes the following changes in other municipal finance laws:

1. requires municipalities, before issuing pension deficient bonds, to submit a five-year, instead of a three-year, financial plan to OPM (§ 1);
2. requires certain municipal entities, such as special taxing districts, to annually file a financial statement with the OPM secretary upon request (§ 2);
3. allows the OPM secretary to refer a municipality or municipal entity to MFAC, instead of or in addition to assessing a penalty, if it does not file its audit on time (§ 3); and
4. requires municipalities to file financial reports electronically, using a uniform reporting system (§ 5).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022

§ 1 — MUNICIPAL PENSION DEFICIENT BONDS

Under prior law, before issuing pension deficient bonds (to partially or fully fund an unfunded past benefit obligation) under the statutes, a municipality had to submit a three-year financial plan to the OPM secretary for him and the state treasurer to review. The act instead requires this plan, which under existing law includes the major assumptions and financial plan for the bonds, to cover a five-year period.

§ 2 — FILING FINANCIAL STATEMENTS WITH OPM

Municipal entities with annual receipts of up to $1 million are exempt from the requirement to annually submit an audit to the OPM secretary (CGS § 7-393). Instead, existing law requires these municipal entities, such as special taxing districts, to annually file a financial statement with the local town clerk within 90 days after the fiscal year ends. The act additionally requires them to file the statement with the OPM secretary upon his request. It extends existing law's penalty for failing to file the statement with the town clerk ($500 per statement not filed) to include failure to file with the OPM secretary.

§ 3 — MFAC REFERRAL AFTER LATE AUDIT SUBMISSION

Municipal entities that must file an audit with the OPM secretary must do so within six months after the fiscal year ends unless they are granted an extension. Under prior law, those that missed the regular or extended deadlines were assessed a civil penalty ranging from $1,000 to $10,000 unless the OPM secretary waived it.

The act instead requires the OPM secretary to refer an entity that misses the filing deadline to MFAC, assess the civil penalty, or do both. As under prior law, the secretary can generally waive these penalties if there was reasonable cause for the delay (see § 4, below, requiring MFAC referrals when audits are more than a year overdue).

§ 4 — MANDATORY MFAC REFERRAL AND TIER I DESIGNATION

The act changes the criteria the OPM secretary uses to refer a potentially fiscally distressed municipality to MFAC if it has not been referred previously. If a municipality is referred under this criteria, it is designated tier I (see § 7, below).

Under prior law, the secretary had to refer a municipality to MFAC if it had done any of the following:

1. reported a declining fund balance trend in the two immediately preceding fiscal years;
2. had a general fund annual operating budget deficit of at least 1.5% of its general fund revenues in the immediately preceding fiscal year; or

3. had a general fund annual operating budget deficit of at least 2% of its average general fund revenues in the two immediately preceding fiscal years.

The act replaces these three triggers with a requirement that the secretary refer a municipality that reported (1) an operating deficit in the two immediately preceding fiscal years and (2) a fund balance percentage of less than 5% in the immediately preceding fiscal year.

Under prior law, the secretary also had to refer a municipality if it issued tax or bond anticipation notes in the three immediately preceding fiscal years to meet cash liquidity. The act instead requires a referral if it issued tax or revenue anticipation notes for this purpose.

The act also adds two new referral criteria. The secretary must refer the municipality if it has done either of the following: (1) reported an annual audit that included at least one material or significant audit finding that was reported in the annual audits of the two immediately preceding fiscal years or (2) was at least 12 months late in filing its audit.

Under existing law and unchanged by the act, the secretary must refer a municipality if it (1) has a negative fund balance percentage; (2) reported a fund balance percentage of less than 5% in the three immediately preceding fiscal years; or (3) received a bond rating below A.

§ 5 — FILING MUNICIPAL FINANCIAL DATA ELECTRONICALLY

Beginning by January 31, 2023, the act requires municipalities (including school districts and special taxing districts) to annually file their audited financial statements, and any other requested information on their financial condition, with OPM electronically.

Currently, these municipalities must use the uniform chart of accounts that OPM's secretary developed. The act specifies that financial reports using this uniform reporting system must be filed annually by January 31, conforming to current practice.

§§ 6 & 14 — MUNICIPAL RESTRUCTURING FUND LOAN

The law establishes the nonlapsing Municipal Restructuring Fund to provide financial assistance to designated tier II, III, and IV municipalities (i.e., those subject to MARB oversight). To receive assistance, an eligible municipality must submit a plan for approval to the OPM secretary that details the municipality's overall restructuring plan, including the local actions it will take and how it will use the funds.

In deciding whether to fund the plan, the secretary must consult with MARB about the amount and timing of the fund distributions and the conditions on how the funds may be used. The act specifies that the secretary must consult with MARB to determine whether any funds should be provided as a loan.

§§ 7-8 & 11-12 — FINANCIAL PLANS COVERING FIVE-YEAR PERIOD

Under prior law, if the OPM secretary referred a tier I designated municipality to MFAC, it had to prepare and present a three-year financial plan to the commission for its review and approval. The act instead requires municipalities to prepare and present a five-year plan.

Prior law allowed MARB to require designated tier II municipalities to prepare three-year financial plans and submit them to MARB for its review and approval. The act instead allows MARB to require a five-year financial plan.

The act also makes related conforming changes (§§ 11 & 12).

§ 7 — DESIGNATION AS TIER I MUNICIPALITY

By Request

Under prior law, a municipality's chief elected official (CEO) could apply to the OPM secretary to have the municipality designated as tier I if it meets one of the three sets of criteria as shown in the table below.

The act eliminates these criteria and instead allows a municipality to be designated as tier I if the CEO (1) expects, in the next 24-month period, that the municipality will meet at least one condition requiring the OPM secretary to refer it to MFAC (see § 4 above) and (2) submits a report to MFAC, in a form and manner it prescribes, that confirms this.

Tier I Designation Criteria in Prior Law

Measures	*Set 1*	*Set 2*	*Set 3*
Bond rating	No rating or its highest rating is A or above, so long as all of its ratings are investment grade	No rating or its highest rating is A, so long as all of its ratings are investment grade	Bond rating is AA or above, so long as all of its ratings are investment grade
State municipal aid as percentage of current year general fund budget	Less than 30%	Less than 30%	30% or more
Fund balance	Positive	Positive fund balance of less than 5%	Positive
FY 18 municipal revenue increase as a percentage of revenue	At least 2%	Not applicable	At least 2%
Equalized mill rate	Not applicable	Not applicable	Equalized mill rate less than 30 mills

Mandatory Designation Related to Audit Issues

If the OPM secretary refers a municipality to MFAC after reviewing its audit, or for failure to file an audit as described above (see § 4), it is designated a tier I municipality automatically under the act.

§ 8 — DESIGNATION AS TIER II MUNICIPALITY

By Request

Under prior law, a municipality's CEO had to apply to the OPM secretary to have the municipality designated as a tier II municipality if it met one of the five sets of criteria as shown in the table below.

Tier II Designation Criteria in Prior Law

Measures	*Set 1*	*Set 2*	*Set 3*	*Set 4*	*Set 5*
Bond Rating	No rating from a bond rating agency or its highest rating is A, so long as all of its ratings are investment grade	No rating from a bond rating agency or its highest rating is A, so long as all of its ratings are investment grade	Highest bond rating is AA or higher, so long as all of its ratings are investment grade	Highest bond rating is AA or higher, so long as all of its ratings are investment grade	Highest rating is Baa or BBB, so long as all of its ratings are investment grade
State aid as percent of prior or current fiscal year general fund budget	30% or more	30% or more	30% or more	Not applicable	Not applicable
Fund balance	Positive fund balance of at least 5%	Positive fund balance of less than 5%	Not applicable	Negative	Positive
FY 18 municipal revenue increase as a percentage of revenue	At least 2%	Not applicable	Not applicable	Not applicable	Not applicable
Equalized mill rate	Less than 30 mills	Less than 30 mills	30 or more mills	Not applicable	Less than 30 mills

The act replaces the prior criteria with a requirement that the municipality be designated as tier I, have held at least one meeting with MFAC, and either (1) has an equalized mill rate of at least 30 mills or (2) received 30% or more of its most recent audited financial statement revenues in the form of state aid.

Under the act, if a CEO applies to OPM for tier II designation, it must provide a copy of the application to MFAC within 10 days. The OPM secretary must designate the municipality as tier II, as requested, and refer it to MARB if he determines its financial condition warrants it, based on his review of MFAC's reports and findings. Under prior law, he had to refer to MARB any municipality that requested tier II designation.

Designation Upon MFAC's Recommendation

The act establishes a procedure for MFAC to recommend a municipality be designated tier II. (See § 9 for a discussion on MFAC's authority to recommend a tier III designation for a tier I municipality.)

After MFAC holds at least one meeting with a designated tier I municipality, it may recommend to the OPM secretary that the municipality be designated tier II based on its financial condition, which MFAC must document in a report it submits to the secretary. MFAC must also provide a copy of the report to the municipality within 10 days.

Within 45 days after receiving the report, the OPM secretary may approve or reject MFAC's recommendation; if no decision is made, it is deemed rejected.

§ 9 — TIER III MUNICIPALITY DESIGNATION

Prior law provided two paths for designating a municipality as tier III: (1) the municipality (through the CEO or legislative body) requested it because it met specified bonding capacity and fiscal distress criteria or (2) the secretary designated the municipality as tier III based on specified distress criteria. The act maintains these two paths, but changes some of their applicable criteria, and creates a third path to tier III designation through MFAC recommendation.

By Request

Prior law allowed a municipality to request designation as tier III if it had:

1. at least one bond rating from a bond rating agency that is below investment grade or
2. no bond rating from a bond rating agency, or its highest bond rating is A, Baa, or BBB, so long as all of its ratings are investment grade, and it has either (a) a negative fund balance percentage or (b) an equalized mill rate of 30 or more, and it receives at least 30% of its current or prior fiscal year general fund budget revenues in state municipal aid.

The act replaces these bonding-capacity criteria with different fiscal distress criteria by specifying that a tier I municipality can request designation as tier III after holding at least one meeting with MFAC if it (1) has an equalized mill rate of at least thirty mills or (2) received at least 30% of its most recent audited financial statement revenues as municipal aid from the state.

As under existing law, the OPM secretary must designate a municipality as tier III if the information MFAC provides supports the designation.

Under prior law, if the municipal CEO was making the request, he or she had to give the local legislative body at least 30 days to approve or reject the request, after which, if no action is taken, it was deemed approved. The act extends this waiting period to 45 days.

Under the act, if a municipality applies to OPM for tier III designation, it must also provide a copy of the application to MFAC within 10 days.

Designation by OPM Secretary

Under prior law, the OPM secretary had to designate any municipality as tier III, regardless of whether it applied for the designation, if it met the criteria for voluntary tier III designation (see above) or it issued either of the following:

1. a deficit funding bond (or issued one between July 1, 2012, and July 1, 2017); or
2. refunding bonds with over 25-year terms that fail to achieve net present value savings as the law requires, and its total annual debt obligations, including the refunding bonds, exceed the obligations for the refunding bonds for the first full year after they were issued.

The act retains these criteria (except for the component on deficit funding bonds issued before July 1, 2017) and additionally requires the OPM secretary to designate a municipality as tier III if it receives a bond rating below investment grade.

The act requires municipalities that are eligible for designation under any of these criteria to notify OPM within 10 days after the triggering condition occurred.

Designation Upon MFAC's Recommendation

The act establishes a process for MFAC to recommend to the OPM secretary that a tier I municipality, with which it has met at least once, be designated as tier III due to its fiscal condition. MFAC must document the municipality's fiscal condition in a report it gives to the OPM secretary. The secretary must approve or reject the recommendation within 45 days after receiving the report. His failure to act is deemed a rejection.

§ 10 — MARB ACTION ON LABOR CONTRACTS

In addition to reviewing and commenting on municipal budgets, existing law authorizes MARB to approve or reject any municipal or board of education collective bargaining agreement or amendment, to the extent the local legislative body can. The act limits MARB's authority to do so by specifying that it only has this authority over municipalities that are referred to it on or after October 1, 2022.

Prior law required MARB to act on agreements within 30 days after their submission to MARB. The act instead specifies that agreements are deemed approved after 30 days if MARB has not approved or rejected them.

§ 12 — DESIGNATION AS TIER IV MUNICIPALITY

The act makes a minor change to the criteria MARB uses to designate a tier III municipality as a tier IV municipality. It extends, from three years to five, the term for a municipality's budget projections that MARB must consider when making its determination. This conforms to other changes in the act requiring municipalities to prepare five-year, instead of three-year, financial plans (see above).

§§ 13 & 15 — CONDITIONS FOR ENDING DESIGNATION

The act subjects all designated municipalities to the same criteria for determining whether their designation ends. The revised criteria are similar to the criteria previously used.

The act also (1) alternatively allows MFAC, by unanimous vote, to end a municipality's designation as tier I after evaluating its financial condition and (2) makes it easier to re-designate a municipality as tier I-IV after its initial designation terminates.

Criteria for Ending Designation

Under existing law, a municipality designated as tier I or II generally retains this designation until, in the fiscal years after its designation, it meets four criteria as listed in the table below. The act modifies these criteria and applies them to tier I-IV municipalities, as shown in the table below. The previously applicable criteria for tiers III and IV are also shown in the table.

Ending Designation Under Prior Law and the Act

Prior Law		***The Act***
Tiers I & II	***Tiers III & IV***	***Tiers I - IV***
There have been no annual operating deficits in the municipality's general fund for two consecutive fiscal years	There have been no annual operating deficits in the municipality's general fund for three consecutive fiscal years	There have been no audited operating deficits in the municipality's general fund for two consecutive fiscal years
The municipality's bond rating has either improved or remained unchanged since its most current designation	The municipality's bond rating has either improved or remained unchanged since its most current designation, so long as it has no bond ratings that are below investment grade	The municipality's bond rating has either improved or remained unchanged since its most current designation

Prior Law		*The Act*
Tiers I & II	***Tiers III & IV***	***Tiers I - IV***
The municipality has presented, and MFAC or MARB has approved, a financial plan that projects a positive unreserved fund balance for the three succeeding consecutive fiscal years	The municipality has presented, and MARB has approved, a financial plan that projects a positive unreserved fund balance for three succeeding consecutive fiscal years	The municipality has presented, and MFAC or MARB has approved, a financial plan that projects a positive fund balance for the three succeeding consecutive fiscal years, with a positive fund balance of at least 5% projected for the third fiscal year
The municipality's audits for these consecutive fiscal years have been completed and contain no general fund deficit		

Under existing law and unchanged by the act, a tier IV municipality retains its designation if it issues bonds or other debt to fund a general fund deficit after being designated.

Re-Designating a Municipality

The act makes it easier to re-designate a municipality as tier I-IV after its initial designation ends. It does so by repealing provisions specifying that a municipality whose designation was removed must remain undesignated unless:

1. for a tier I or II municipality, a change in circumstances requires it to be designated in a higher tier than its most recent designation and
2. for a tier III or IV municipality, it (a) has an annual operating deficit in its general fund equal to at least 1% of its annual general fund budget; (b) experiences an annual operating deficit in its general fund in consecutive years; or (c) has at least one bond rating below investment grade.

BACKGROUND

MFAC and MARB

MFAC oversees the two-tier certification system that predates the four-tier designation system for classifying financially distressed municipalities as established by MARB legislation (PA 17-2, June Special Session). MFAC oversees certified tier I and II municipalities and designated tier I municipalities. MARB oversees designated tier II, III, and IV municipalities. (The higher numbered tiers indicate higher levels of fiscal distress and oversight.)

Depending on the tier designation, MARB may generally (1) require monthly status reports and monitor compliance with financial plans and budgets; (2) review and comment on budgets and approve revenue assumptions; (3) review and comment on, or approve, debt obligations; (4) recommend efficiency measures and hire consultants or a financial manager; and (5) set an interim budget.

The law allows municipalities working with (1) MFAC or MARB to issue deficit financing bonds and (2) MARB to obtain state financial assistance in the form of funds to repay outstanding debt (i.e., contract assistance) and restructure finances (i.e., municipal restructuring).

PA 22-39—sHB 5172
Planning and Development Committee

AN ACT CONCERNING REEMPLOYMENT AND THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM, CONVEYANCES OF CERTAIN LAND OR INTERESTS IN LAND OF NONPROFIT CORPORATIONS AND STATE CONTRACTOR PREQUALIFICATION

SUMMARY: This act makes unrelated changes affecting re-employment of municipal retirees, certain housing land bank properties, and state contractor prequalification. Concerning re-employment, it removes restrictions on the amount of time that a Connecticut Municipal Employees Retirement System (CMERS) retiree may be re-employed with a member town and continue to receive his or her pension payments.

Separately, the act re-establishes the Department of Housing (DOH) commissioner's authority to determine that a

nonprofit organization is incapable of developing or managing a property that the nonprofit acquired using financial assistance from the Community Housing Land Bank and Land Trust Fund. It (1) allows DOH to authorize the nonprofit to dispose of the property if certain conditions are met and (2) applies this authority to two properties in Middletown.

Lastly, the act expands the information that applicants must disclose when seeking state contractor prequalification from the Department of Administrative Services (DAS) to include information about certain settled administrative proceedings against the applicant as well as certain penalties levied for labor law violations. It also expands the reasons for which DAS must revoke a prequalification certificate.

EFFECTIVE DATE: October 1, 2022

§ 1 — RE-EMPLOYED CMERS RETIREES

Under prior law, a CMERS retiree who was re-employed with a CMERS town could not receive pension payments while re-employed unless the re-employment (1) was for fewer than 20 hours per week or (2) did not exceed 90 days per year.

The act allows these retirees to be re-employed with a CMERS town for any amount of time and receive pension payments as long as they do not participate (i.e., receive credit) in the retirement system during their re-employment.

The act also explicitly permits retired CMERS members of a police or fire department to accept employment with any participating school district, including a regional district, in a public safety position and continue to receive pension payments as long as they do not further participate in CMERS and earn more retirement credit.

§ 2 — COMMUNITY HOUSING LAND BANK AND LAND TRUST FUND PROPERTIES IN MIDDLETOWN

The act reestablishes, until January 1, 2023, the DOH commissioner's authority to determine that a nonprofit organization is incapable of developing or managing a property it acquired using Community Housing Land Bank and Land Trust Fund financial assistance. In doing so, the act allows the commissioner, after making this determination, to have the state assume control of the property through foreclosure, voluntary transfer, or other similar voluntary or compulsory action.

The act also explicitly allows the commissioner to authorize the nonprofit to dispose of the property if the OPM secretary agrees. Under the act, the authorization may (1) allow the property to be transferred to the low- or moderate-income families who live on the property and (2) establish terms and conditions for the conveyance, including modifying or releasing deed restrictions. DOH may authorize the conveyance of two properties in Middletown.

The act re-establishes and modifies authority that previously expired January 1, 2017. Prior law allowed the DOH commissioner, with the OPM secretary's approval, to take any necessary steps to convey the property, including (1) modifying or removing deed restrictions before conveyance, (2) transferring the property to the low- or moderate-income families who live on the property, or (3) establishing terms or conditions for the conveyance. Prior law limited DOH to one conveyance under this authority.

§§ 3-5 — DAS PREQUALIFICATION

Application

The act expands the information that applicants must disclose when seeking state contractor prequalification from DAS. By law, state public works contracts that exceed $500,000 (or $1.5 million for DAS-administered projects) generally must be awarded to a contractor that is prequalified by DAS (CGS § 4b-91). The law also requires prequalification by "substantial subcontractors" (i.e., those that perform work with value exceeding $500,000) (CGS § 4a-100(a)).

Existing law requires prequalification applicants to disclose information about any legal or administrative proceedings concluded adversely against them, or their principals or key personnel, within the last five years related to procuring or performing any public or private construction contract. The act requires applicants to also disclose any proceedings meeting these criteria that were settled within the past five years.

Additionally, the act requires applicants to disclose administrative proceedings concluded adversely against them within the past five years that resulted in a (1) civil penalty related to wages, employment regulation, workers' compensation, or employee personnel files or (2) stop-work order related to workers' compensation.

Revocation

The act adds to the reasons for which the DAS commissioner must deny or revoke a contractor's or substantial subcontractor's prequalification. Under the act, she must do so for any contractor or substantial subcontractor that, within

the past five years, has withheld any information or documentation requested in a prequalification application. Under existing law, a prequalification revocation generally disqualifies a contractor or substantial subcontractor from seeking prequalification for two years.

PA 22-59—sHB 5170
Planning and Development Committee

AN ACT CONCERNING THE TETHERING AND SHELTERING OF DOGS

SUMMARY: This act creates requirements for adequate dog sheltering during certain adverse weather and outdoor conditions and applies additional requirements for dog tethering.

The act requires that a dog be given adequate shelter, as defined by the act, when the dog is outdoors for more than 15 minutes and either of the following occurs: (1) the National Weather Service (NWS) issues a weather advisory or warning or (2) adverse outdoor environmental conditions (e.g., extreme heat or cold) pose a risk to the dog's health or safety, based on the dog's breed, size, age, coat thickness, or physical condition. The act waives the requirement when the dog is in the presence of someone who is outside during the same weather warning or advisory or exposed to the same environmental conditions.

Prior law prohibited tethering a dog outdoors to a stationary object or mobile device for more than 15 minutes when (1) local, state, or federal authorities issue a weather advisory or warning or (2) adverse conditions pose a risk to the dog's health or safety based on the dog's breed, age, or physical condition. The act requires (1) the weather advisory or warning to be from the NWS and (2) consideration of the dog's size and coat thickness. It also prohibits tethering a dog to a stationary object or mobile device (e.g., trolley or pulley) without providing it potable water at least twice in each 24-hour period.

Anyone who violates these sheltering and tethering requirements is subject to a fine of $100 for a first offense, $200 for a second offense, and between $250 and $500 for a third or subsequent offense. This is the existing penalty for violations of the state's tethering law.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022

ADEQUATE SHELTER SCOPE

Under the act, "adequate shelter" is a structure that meets each of the following criteria:

1. provides natural or artificial light during daylight hours;
2. offers enough space for a dog to sit, lie down, and turn;
3. is soundly built, kept in good repair, and without accumulated animal waste, debris, and moisture (e.g., standing water and mud) both inside and in the shelter's immediate vicinity;
4. provides access to potable water at least twice in each 24-hour period;
5. has no space heater or wood- or fuel-burning equipment for space heating;
6. is not (a) under exterior stairs or (b) under or inside a motor vehicle; and
7. the floor, if built with wire or metal chain links, has appropriately sized links so that a dog's paws cannot be caught in them.

The structure must also, during extreme outdoor heat, provide enough shade and ventilation for a dog to maintain normal body temperature. And during cold outdoor weather, a shelter must (1) be raised at least two inches off the ground and sufficiently enclosed and insulated to allow a dog to maintain normal body temperature, (2) have a solid roof and walls and a wind-protected opening for entry and exit, and (3) have dry bedding.

PA 22-71—sHB 5165
Planning and Development Committee

AN ACT CONCERNING THE STATE PLAN OF CONSERVATION AND DEVELOPMENT

SUMMARY: The act specifically requires the OPM secretary to revise the State Plan of Conservation and Development (POCD) in the year immediately before the year in which the General Assembly will adopt it, but no more than four years after it was last adopted. (Prior law specified the secretary had to update it within five years of its last adoption.) As under existing law, the secretary must submit a final proposed plan to the Continuing Legislative Committee on State Planning

and Development (Continuing Committee), which, after a public hearing, can recommend the General Assembly approve or disapprove it (CGS § 16a-30). (The POCD helps state agencies make decisions consistent with the state's development and conservation goals.)

The act also sets a schedule for the next POCD revision, specifying that the OPM secretary must:

1. give a draft revised plan to the Continuing Committee for preliminary review before September 1, 2023;
2. begin further revisions, as he sees fit, after December 1, 2023; and
3. publish and disseminate the first revised plan to the public by March 1, 2024.

After making the first revision available, as under existing law, the OPM secretary must hold public hearings on the plan and solicit comments. Under the act, the OPM secretary must submit the final proposed 2025-2030 POCD to the Continuing Committee by December 1, 2024.

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Resolution

HJR 107 adopts "Conservation and Development Policies: The Plan for Connecticut, 2018-2023" as the state plan of conservation and development.

PA 22-72—sHB 5166
Planning and Development Committee

AN ACT CONCERNING CERTAIN MUNICIPAL AGREEMENTS TO FIX ASSESSMENTS

SUMMARY: In municipalities where the legislative body is a town meeting, this act allows the board of selectmen, if they have been authorized by ordinance, to enter into certain agreements to fix assessments on real property or air space. Under prior law, only a municipality's legislative body could enter into these agreements.

The act applies to a law that allows municipalities to fix assessments for up to 10 years on real property or air space undergoing improvements for various purposes, including office, manufacturing, or retail uses; multifamily housing; or transportation or parking facilities.

The act also makes a technical change.

EFFECTIVE DATE: October 1, 2022

PA 22-73—sHB 5168
Planning and Development Committee

AN ACT CONCERNING PROPERTY TAX EXEMPTIONS FOR PROPERTY USED FOR CHARITABLE PURPOSES

SUMMARY: This act eliminates a restriction on a property tax exemption for certain charitable organizations, making various types of housing for vulnerable populations exempt even if the housing is not temporary. It also requires assessors to (1) record their reasons for denying property tax exemptions for certain nonprofit organizations and (2) post on their website the form that organizations must file every four years to claim a property tax exemption (i.e., tax-exempt filings).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022, except for the provision on property tax denials, which is effective July 1, 2022, and applicable to assessment years starting on and after October 1, 2022.

TAX-EXEMPT CHARITABLE HOUSING

By law, certain property owned by, or held in trust for, a federally tax-exempt organization that is organized exclusively for charitable purposes is exempt from municipal property tax. Under prior law, housing partially or entirely funded by government subsidies or for low- and moderate-income people was generally not deemed a charitable purpose and was ineligible for this property tax exemption. But the law provided an exception for temporary housing, making it eligible for the exemption, if it was used mainly for one or more of the following purposes:

1. an orphanage;
2. a drug or alcohol treatment or rehabilitation facility;
3. to house people who are homeless, have a mental health disorder or an intellectual or physical disability, or are domestic violence victims;
4. to house ex-offenders or participants in judicial branch- or Department of Corrections-sponsored programs; or
5. as short-term housing where the average stay is less than six months.

The act eliminates the provision restricting the exemption to temporary housing for these purposes. This expands the exemption to the first four types of housing listed above regardless of how long people stay in them.

The act also specifies that government payments to treat, support, or care for people living in these properties are not subsidies.

EXEMPTION DENIALS

Existing law requires boards of assessors ("assessors") to determine what portion of a property, if any, owned by scientific, educational, literary, historical, charitable, agricultural, and cemetery organizations (i.e., charitable property) is exempt and assess any property they determine is taxable. They must do so by inspecting the tax-exempt filing these organizations must submit to claim a property tax exemption. If an assessor determines that property claimed to be exempt is taxable, the act requires the assessor to state the rationale for the determination in its records.

PA 22-74—sHB 5169
Planning and Development Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL POLICY AND PLANNING DIVISION WITHIN THE OFFICE OF POLICY AND MANAGEMENT AND THE EXTENSION OF THE COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE

TABLE OF CONTENTS:

§§ 8, 14, 15 & 17 — OTHER MINOR PROPERTY TAX CHANGES

Makes several minor changes in the property tax statutes

§ 9 — NOTICE OF ASSESSMENT INCREASE

Changes the information that municipalities must include in an assessment increase notice

§ 10 — ASSESSORS' DENIAL OF EXEMPTIONS

Requires assessors to notify taxpayers when they deny certain property tax exemptions

§ 11 — MUNICIPAL SPENDING CAP CERTIFICATION

Eliminates municipal reporting to OPM about the municipal spending cap under specified circumstances

§§ 12, 13 & 16 — ADD-ON TAX BILLS FOLLOWING PROPERTY TRANSFER

Extends tax collectors' timeframe for sending out add-on bills

§§ 18-19 & 23 — PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS

Makes minor and technical changes to the state, municipal, and tribal property and college and hospital property PILOT programs

§ 20 — POSTING OF MUNICIPAL AFFORDABLE HOUSING PLANS

Eliminates the requirement that OPM post municipal affordable housing plans on its website

§ 21 — PA 490 PROGRAM

Eliminates the requirement that OPM set values for land classified as open space

§ 22 — COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE

Allows the OPM secretary to appoint a designee to serve in his place on the Commission on Connecticut's Development and Future; extends the submission deadline for the commission's second report

§ 23 — REPEALERS

Eliminates (1) an obsolete pilot program authorization and (2) certain requirements related to identifying fiscally distressed municipalities

BACKGROUND

SUMMARY: This act makes various changes in (1) laws governing programs and requirements OPM oversees and (2) property tax laws.
EFFECTIVE DATE: Various; see below.

§ 1 — 100% DISABLED VETERANS' TAX EXEMPTION

Expands eligibility by changing how income is calculated for a local option property tax exemption for 100% disabled veterans

In conformity with existing practice, beginning in FY 24, the act requires municipalities that opt to provide low-income, 100% disabled veterans with three times the base state-mandated property tax exemption (see BACKGROUND) to calculate income eligibility using only the veteran's federal adjusted gross income (AGI), excluding veterans' disability payments. Under prior law, any other income not included in the veteran's federal AGI, other than veterans' disability payments, had to be added to it when determining income eligibility.
EFFECTIVE DATE: October 1, 2022, and applicable to assessment years beginning on or after that date.

§ 2 — VETERANS' EXEMPTION PORTABILITY

Makes portable certain property tax exemptions for veterans if an eligible veteran moves within the state during the tax year

By law, most property tax exemptions for veterans are portable between municipalities. This means veterans who have established their entitlement to an exemption are still eligible for it if during the tax year they move to another municipality. (A mid-tax-year move might cause a veteran to miss the application deadline in the municipality he or she moves to.) The act adds the income-based and a local option veterans' property tax exemption to the list of portable tax exemptions (i.e., exemptions granted under CGS § 12-81g; see BACKGROUND).
EFFECTIVE DATE: October 1, 2022, and applicable to assessment years beginning on or after that date.

§§ 3 & 4 — RENTERS' REBATE PROGRAM

Makes November 15 the deadline for requesting an application extension for the Renters' Rebate Program; makes OPM, not the Department of Housing, responsible for adjusting eligible income levels annually

By law, older adults or totally disabled people seeking a rebate under the Renters' Rebate Program apply annually to local assessors or their agents between April 1 and October 1 for reimbursement for payments made in the prior calendar year. The act requires renters with extenuating health circumstances or other good cause, as the OPM secretary determines, to apply to OPM by November 15, rather than December 15, for an application deadline extension.

Additionally, the act requires the OPM secretary, rather than the housing commissioner, to prepare annual Renters' Rebate income eligibility adjustments for distribution to municipal tax assessors, conforming to existing practice.
EFFECTIVE DATE: July 1, 2022

§ 5 — SPECIAL TAXING DISTRICTS

Changes the conditions under which special taxing districts must report to the host municipality's town clerk and requires districts to report annually to OPM

The act eliminates the requirement that the clerk of each special taxing district, whether established under the statutes or by a special act of the General Assembly, annually report to the town clerk of the host municipality. Instead, the act requires district clerks to notify the town clerk whenever the district's home rule charter or special act charter is amended. (Under prior law, any revised charter had to be included in the district's annual report.)

Beginning by July 1, 2022, and each year after that, the act requires each district's tax collector to submit to OPM a statement of the district's mill rate and tax levy for the prior year. The OPM secretary must make the form, which must require districts to give "complete information" about the district's mill rate and tax levy. Those who do not file true and correct statements must forfeit $100 to the state.
EFFECTIVE DATE: Upon passage

§ 6 — NEGLECTED CEMETERIES

Expands municipal authority to maintain neglected cemeteries and burial grounds, in doing so expanding the purposes for which municipalities can use Neglected Cemetery Account Grant Program funds

Under prior law, municipalities could undertake certain maintenance of cemeteries and burial grounds that (1) had more than six places of interment; (2) were not under the control or management of a functioning cemetery association; and (3) showed certain signs of neglect, such as weeds or damage to fences. The act allows municipalities to perform maintenance on neglected cemeteries regardless of whether a functioning cemetery association oversees them. It also expands the type of work that can be done on memorial stones to include repairing and restoring them. (Under prior law, municipalities could only straighten the stones.)

By expanding municipal authority to maintain neglected cemeteries and burial grounds, the act also expands the purposes for which municipalities can use Neglected Cemetery Account Grant Program funds. By law, municipalities may use these OPM-distributed grants to pay for maintenance that the neglected cemetery and burial ground law authorizes (CGS § 19a-308b).
EFFECTIVE DATE: July 1, 2022

§ 7 — REGIONAL REVALUATIONS AND DATA SUBMISSION REQUIREMENT

Requires municipalities to conduct revaluations pursuant to an OPM-designated regional revaluation schedule and submit parcel data to OPM

Regional Revaluation Schedule

Under the act, the OPM secretary must use the state's planning region boundaries (i.e., councils of governments' boundaries) to designate five revaluation zones. Municipalities in each zone will do their revaluations in the same year as other municipalities in the zone. Beginning with the October 1, 2023, assessment year, municipalities must do their revaluations according to this OPM-designated revaluation schedule. The act requires certain municipalities that delayed implementing a revaluation during the 2003, 2004, or 2005 assessment year to implement future revaluations pursuant to OPM's regional revaluation schedule.

As under existing law, municipalities must do revaluations every five years. The act keeps provisions in existing law governing revaluation methods, processes, and other requirements.

Existing law, unchanged by the act, allows municipalities to enter into agreements to set regional revaluation schedules, subject to OPM's approval (CGS § 12-62q).

Submission of Parcel Data to OPM

The act requires assessors to file with the OPM secretary parcel data from each implemented revaluation. The data must be filed on forms he creates, and he must provide the forms to assessors at least 30 days before they are due.

EFFECTIVE DATE: July 1, 2022, and applicable to assessment years beginning on or after October 1, 2023.

§§ 8, 14, 15 & 17 — OTHER MINOR PROPERTY TAX CHANGES

Makes several minor changes in the property tax statutes

The act also makes the following minor property tax changes:

1. clarifying how calculations are rounded when property tax exemptions for veterans increase after a municipality implements a revaluation (§ 8);
2. explicitly requiring a real, personal, or motor vehicle tax overpayment to be applied to other delinquent taxes the taxpayer owes in the same municipality (§ 14);
3. explicitly authorizing tax collectors to refund motor vehicle tax payments when a vehicle was taxed in a municipality in which it was not taxable (§ 15); and
4. (a) making assessors, rather than tax collectors, responsible for veterans' tax benefit determinations in cases where a veteran was erroneously denied specified tax benefits and applies for a certificate of correction and (b) specifying the modified process for the veteran to apply to the tax collector for a refund from a municipality (§ 17).

EFFECTIVE DATE: July 1, 2022, except the veterans' exemption calculation change is effective October 1, 2022.

§ 9 — NOTICE OF ASSESSMENT INCREASE

Changes the information that municipalities must include in an assessment increase notice

By law, a municipality must provide an assessment increase notice when it increases an assessment (valuation) on property other than a motor vehicle in a non-revaluation year. Under prior law, it only had to notify the property owner of the old and new valuation. The act instead requires municipalities to provide information on the new and old gross valuation, exemptions, and net valuation.

EFFECTIVE DATE: October 1, 2022

§ 10 — ASSESSORS' DENIAL OF EXEMPTIONS

Requires assessors to notify taxpayers when they deny certain property tax exemptions

Existing law requires boards of assessors (i.e., assessors) to determine what portion of the property held by scientific,

educational, literary, historical, charitable, agricultural, and cemetery organizations is exempt and assess any property they determine is taxable. They must do so by inspecting the statements or applications the organizations must file to claim their property tax exemptions.

The act requires assessors, when denying a tax exemption application for most property tax exemptions (including those under CGS § 12-81), to mail a written notice of the decision to the applicant's last known address and include with it (1) the gross assessed value of the property; (2) the amount of any exemption granted; (3) the net taxable property value; and (4) a statement that the assessor's decision is appealable.

The notice must be mailed on or after the October 1 assessment date, but no more than 10 calendar days after the grand list is signed.

EFFECTIVE DATE: October 1, 2022, and applicable to assessment years beginning on or after that date.

§ 11 — MUNICIPAL SPENDING CAP CERTIFICATION

Eliminates municipal reporting to OPM about the municipal spending cap under specified circumstances

Under existing law, each year municipalities must certify to the OPM secretary whether they comply with the municipal spending cap law. The act waives this requirement for any fiscal year in which the OPM secretary publishes a list of payments made to municipalities by state agencies on its website.

EFFECTIVE DATE: July 1, 2022

§§ 12, 13 & 16 — ADD-ON TAX BILLS FOLLOWING PROPERTY TRANSFER

Extends tax collectors' timeframe for sending out add-on bills

The act gives tax collectors 30, instead of 10, days to send out add-on tax bills in situations where a change in property ownership affects a tax exemption or abatement. The act applies the new 30-day timeframe to tax bills sent out following the transfer of property that is the subject of relief under (1) the Freeze Tax Relief Program (§ 12), (2) the Circuit Breaker Program (§ 13), or (3) any other provision that made it tax-exempt or eligible for an abatement prior to the transfer (§ 16).

EFFECTIVE DATE: July 1, 2022

§§ 18-19 & 23 — PAYMENTS IN LIEU OF TAXES (PILOT) PROGRAMS

Makes minor and technical changes to the state, municipal, and tribal property and college and hospital property PILOT programs

The act specifies that PILOT grants should be paid to municipalities and fire districts annually by May 30. It correspondingly eliminates the prior process by which OPM certified to the comptroller the amounts due, which were then paid by September 30 (§ 23).

Additionally, in keeping with existing practice, the act specifies that only fire districts, rather than all special taxing districts, are eligible for PILOT grants.

EFFECTIVE DATE: July 1, 2022

§ 20 — POSTING OF MUNICIPAL AFFORDABLE HOUSING PLANS

Eliminates the requirement that OPM post municipal affordable housing plans on its website

The act eliminates the requirement that OPM post municipalities' submitted affordable housing plans on its agency website.

Existing law requires every municipality, at least once every five years, to prepare or amend and adopt an affordable housing plan specifying how the municipality will increase the number of affordable housing developments in its jurisdiction. By law and unchanged by the act, municipalities must post their plans on their websites.

EFFECTIVE DATE: Upon passage

§ 21 — PA 490 PROGRAM

Eliminates the requirement that OPM set values for land classified as open space

The act eliminates a provision that required the OPM secretary, in consultation with the agriculture commissioner, to develop a schedule of unit prices for property classified as open space under the PA 490 Program.

Connecticut's PA 490 Program allows four classifications of land – farm, forest, open space, and maritime heritage – to be assessed at their current use value rather than their fair market value.

EFFECTIVE DATE: July 1, 2022

§ 22 — COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE

Allows the OPM secretary to appoint a designee to serve in his place on the Commission on Connecticut's Development and Future; extends the submission deadline for the commission's second report

Prior law required the OPM secretary to serve on the Commission on Connecticut's Development and Future. The act instead allows him to appoint a designee to serve in his place.

Prior law also required the commission to submit a report to the Planning and Development, Environment, Housing, and Transportation committees and to the OPM secretary by January 1, 2022, and again by January 1, 2023. The act extends the second report's deadline to January 1, 2024. It correspondingly specifies that the commission will not terminate until it submits its final report or until January 1, 2024, whichever is later.

By law, the commission must evaluate policies related to land use, conservation, housing affordability, and infrastructure.

EFFECTIVE DATE: Upon passage

§ 23 — REPEALERS

Eliminates (1) an obsolete pilot program authorization and (2) certain requirements related to identifying fiscally distressed municipalities

The act eliminates an obsolete pilot program enacted in 2014 under which assessors would have been able to value commercial property based on net profit rather than income and expenses. The pilot program never commenced (CGS §§ 12-63i & 12-63j).

The act also eliminates certain requirements related to fiscally distressed municipalities to reflect other structures (e.g., the Municipal Accountability Review Board, created in 2017) for identifying and overseeing these municipalities. Specifically, the act eliminates a requirement that the OPM secretary annually submit to the governor information on municipal fiscal disparities, including a list of municipalities with comparatively high mill rates and low per capita grand list values; information on low-income municipalities; and municipalities with a decreasing population. It also eliminates the required responses to the OPM report (i.e., a gubernatorially-convened meeting of municipal leaders and a report to the legislature) (CGS § 7-148dd).

EFFECTIVE DATE: July 1, 2022

BACKGROUND

Veterans' Property Tax Exemptions

By law, municipalities must exempt from taxation a base amount of $1,000 to $3,500 (adjusted each revaluation to reflect increases in a town's taxable grand list) of the property owned by a qualifying veteran or his or her surviving spouse (CGS §§ 12-62g and 12-81(19) & (20)). (This is often called the basic exemption.) Veterans who receive this basic exemption are also eligible for the additional income-based exemption.

For a veteran whose income falls below a certain limit, the additional exemption is equal to 200% of the basic exemption (CGS § 12-81g(a)). For a veteran whose income exceeds the limit, the additional exemption is 50% of the basic exemption (CGS § 12-81g(d)). (This is often called the income-based exemption.)

Instead of the income-based exemption, municipalities may opt to provide 100% disabled veterans who meet specified income requirements with three times the amount provided under the basic exemption (CGS § 12-81g(b)). (This is a municipal option exemption.)

PA 22-33—sHB 5278
Public Health Committee

AN ACT REQUIRING EXPRESS WRITTEN CONSENT TO THE INTIMATE EXAMINATION OF A PATIENT WHO IS UNDER DEEP SEDATION OR ANESTHESIA OR UNCONSCIOUS

SUMMARY: This act makes various unrelated changes affecting health care professions and institutions. Principally, it does the following:

1. requires hospitals and outpatient surgical facilities, by January 1, 2023, to develop and implement procedures to obtain a patient's express written consent to an "intimate examination" (i.e., pelvic, prostate, or rectal examination) (§ 1);
2. requires hospitals and outpatient surgical facilities to obtain a patient's separate written consent if a medical student, resident, or fellow performs an intimate examination exclusively for training purposes and not as part of the patient's clinical care or clinical care team (§ 1);
3. allows physicians' continuing education in risk management to address endometriosis screening and requires the continuing education in cultural competency to address the effects of systemic racism, explicit and implicit bias, racial disparities, and the experiences of transgender and gender diverse people on patient diagnosis, care, and treatment (§ 2);
4. requires UConn Health Center, in consultation with a research laboratory, to (a) develop a plan for an endometriosis data and biorepository program and (b) report to the Public Health Committee by January 1, 2023, on the plan and its implementation timeline (§ 3); and
5. expands the Department of Public Health (DPH) breast and cervical cancer early detection and treatment referral program by, among other things, requiring breast cancer screening to include tomosynthesis, where possible, and adding human papillomavirus (HPV) tests to the program's services (§ 4).

EFFECTIVE DATE: October 1, 2022, except that the provisions on (1) patient consent for intimate examinations take effect upon passage and (2) the endometriosis data and biorepository program take effect July 1, 2022.

§ 1 — PATIENT CONSENT FOR INTIMATE EXAMINATIONS

The act requires hospitals and outpatient surgical facilities, by January 1, 2023, to develop and implement procedures to obtain, on a written or electronic form, a patient's express written consent to an intimate examination. Copies of the procedures and consent forms must be available to the DPH commissioner upon request.

The act also generally requires health care providers (i.e., physicians; medical students, residents, and fellows; physician assistants; and advanced practice registered nurses) at hospitals and outpatient surgical facilities to obtain this written consent before performing an intimate examination on a patient who will be unconscious or under deep sedation or general anesthesia. This consent is not needed if the examination is within the scope of the patient's planned procedure, surgical procedure, or diagnostic examination for which he or she gave general consent.

Under the act, if a medical student, resident, or fellow performs an intimate examination on a patient exclusively for training purposes and not as part of the patient's clinical care or clinical care team, the hospital or outpatient surgical facility must first obtain a separate written consent from the patient that details the student's, resident's, or fellow's involvement in the intimate examination.

The act exempts from these consent requirements intimate examinations performed in an emergency or urgent care situation for diagnostic or treatment purposes.

§ 2 — PHYSICIAN CONTINUING EDUCATION

Beginning with license registration periods on or after October 1, 2022, the act allows physicians' continuing education in risk management to address screening for endometriosis. It also requires the continuing education in cultural competency to address the effects of systemic racism, explicit and implicit bias, racial disparities, and the experiences of transgender and gender diverse people on patient diagnosis, care, and treatment.

As part of existing law's continuing education requirements, physicians must complete at least one contact hour each of risk management and cultural competency training or education (1) during their first license renewal period in which continuing education is required and (2) at least once every six years after that. By law, physicians generally must complete 50 contact hours of continuing education every two years, starting with their second license renewal.

§ 3 — ENDOMETRIOSIS DATA AND BIOREPOSITORY PROGRAM

The act requires UConn Health Center, in consultation with a research laboratory, to develop a plan to establish an endometriosis data and biorepository program to promote (1) early detection of endometriosis in adolescents and adults, (2) new therapeutic strategies to treat and better manage the condition, and (3) early access to the latest therapeutic options for patients.

Program Duties

Under the act, in developing its plan, UConn Health Center must require that the endometriosis data and biorepository program do the following:

1. collect standardized phenotypic data along with biological samples of a person's endometriosis and control samples to improve the characterization of the condition and the person with it;
2. develop standard operating procedures for retaining and storing biological endometriosis samples and control samples, including for their collection, transportation, processing, and long-term storage;
3. curate biological endometriosis samples from a diverse cross-section of communities to ensure they represent all groups affected by the condition, including black and Latino persons, other persons of color, transgender and gender diverse persons, and persons with disabilities;
4. research the pathogenesis, pathophysiology, progression, and prognosis of endometriosis and the development of noninvasive diagnostic biomarkers, novel targeted therapeutics, curative therapies, and preventive interventions for the condition, including medical and surgical interventions;
5. serve as a centralized resource for endometriosis information;
6. facilitate collaboration among researchers and health care professionals, educators, and students on best practices for the diagnosis, care, and treatment of endometriosis; and
7. research the impact of endometriosis on Connecticut residents, including its impact on health and comorbidity, health care costs, and overall quality of life.

Report

Under the act, the UConn Health Center board of director's chairperson must report to the Public Health Committee, by January 1, 2023, on the plan and the timeline for establishing the program.

§ 4 — DPH BREAST AND CERVICAL CANCER EARLY DETECTION AND TREATMENT REFERRAL PROGRAM

By law, DPH's breast and cervical cancer early detection and treatment referral program provides services, within existing appropriations and through contracts with health care providers, to women who (1) have incomes at or below 250% of the federal poverty level, (2) are 21 to 64 years old, and (3) lack health insurance coverage for breast cancer screening mammography or cervical cancer screening services. The act requires the program to give priority consideration to women in minority communities with higher rates of breast cancer and cervical cancer than the general population.

Under existing law, the program's services include clinical breast exams, screening mammograms, and pap tests. The act requires the program's mammography services to include, where possible, tomosynthesis, which is a digital x-ray mammogram that creates two- and three-dimensional images. The act also requires the program to include HPV tests. As under existing law, these services must be provided as recommended by the U.S. Preventive Services Task Force guidelines for the woman's age and medical history. The program also includes pap tests every six months for HIV-positive women.

PA 22-45—sSB 450
Public Health Committee

AN ACT CONCERNING CONNECTICUT VALLEY AND WHITING FORENSIC HOSPITALS

SUMMARY: This act makes various changes in the laws affecting Whiting Forensic Hospital and Connecticut Valley Hospital. Specifically, it does the following:

1. requires the Department of Mental Health and Addiction Services (DMHAS) to develop a plan, within available appropriations, to construct a new facility for Whiting Forensic Hospital and submit reports on the plan to the

Public Health Committee (§ 1);
2. starting October 1, 2022, reestablishes Whiting Forensic Hospital's advisory board as an oversight board, removes the DMHAS commissioner from the board's membership, and expands the board's duties (§ 2);
3. requires the Superior Court and the Psychiatric Security Review Board (PSRB), when holding hearings on the initial commitment, confinement, or conditional release of an acquittee (i.e., a person found not guilty of a crime due to a mental disease or defect), to consider the acquittee's safety and well-being in addition to the protection of society as under existing law (§§ 3-5);
4. requires DMHAS to convene a working group to evaluate PSRB, which must report its findings to the Judiciary and Public Health committees by January 1, 2024 (§ 6);
5. allows an acquittee, or someone acting on the acquittee's behalf, to apply to PSRB for a temporary leave order (§ 7);
6. requires DMHAS, before transferring an acquittee from maximum-security confinement to another facility for medical treatment, to consult with a licensed health care provider who evaluated and approves the transfer, and eliminates the requirement that DMHAS give immediate written justification of the transfer to PSRB (§ 8);
7. requires Whiting Forensic Hospital to establish a risk management review committee to review requests to transfer an acquittee from maximum-security confinement to a lower security division in the hospital for medical treatment (§ 8); and
8. requires DMHAS, in collaboration with the Department of Administrative Services (DAS), to evaluate the state service classifications for physicians and senior level clinicians employed by Whiting Forensic Hospital (§ 9).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022, except the provisions on the Whiting Forensic Hospital new facility plan, oversight board, PSRB working group, and state service job classifications take effect upon passage.

§ 1 — NEW WHITING FORENSIC HOSPITAL FACILITY

The act requires DMHAS to develop a plan, within available appropriations, to construct a new facility for Whiting Forensic Hospital. When developing the plan, the department must do the following:

1. consult with hospital patients and their legal guardians and family members, hospital staff, community mental health and health care providers that serve the patients, the Department of Correction commissioner, and any other relevant stakeholders the DMHAS commissioner determines;
2. conduct a comprehensive assessment of patients' needs, including the safety, recovery, and standard of care for treating patients in the new facility and a pathway to reintegrate patients into the community;
3. consider a facility design that incorporates, as an intrinsic part of the facility, spaces where patients can engage in self-enrichment, creative activities, educational pursuits, vocational training, and training in independent living skills to facilitate a safe transition into the community; and
4. develop an individualized care plan for each patient in the new facility that (a) engages the patient and, if the commissioner deems appropriate, the patient's family members or guardian as active participants in the care plan and (b) includes adequate preparation to enable the patient to reintegrate safely and successfully into the community.

The DMHAS commissioner must submit an interim report on the plan to the Public Health Committee by January 1, 2023, and a comprehensive report by January 1, 2024.

§ 2 — WHITING FORENSIC HOSPITAL OVERSIGHT BOARD

Starting October 1, 2022, the act reestablishes Whiting Forensic Hospital's 11-member advisory board as an oversight board and removes the DMHAS commissioner from the board's membership. It maintains the qualifications required for the other 10 members, who, under prior law and the act, are appointed by the governor. The board is within DMHAS for administrative purposes only.

Similar to prior law, the act requires the oversight board to oversee the work of Whiting Forensic Hospital and consult and advise on any problems or concerns identified during its review of investigations as described below. The act expands the board's duties to also include the following:

1. reviewing the official report of every investigation conducted under state law, or by a hospital accrediting organization, of complaints on the hospital's conditions or the mistreatment or neglect of patients or staff made by (a) patients or their family members, guardians, or legal representatives; (b) staff; or (c) members of the public;
2. making recommendations to the hospital and DMHAS on necessary actions to improve staff work, hospital conditions, or patient or staff treatment needed to address any complaints or staff concerns; and

3. beginning by January 1, 2023, reporting annually to the Public Health Committee on the investigation results or recommendations.

The act requires the board to request and review any necessary information from the hospital and DMHAS. It also requires Whiting Forensic Hospital's superintendent and relevant state agencies, regardless of state law on psychiatric records' confidentiality, to give the oversight board the official investigation reports as described above.

Under the act, "neglect" is failing, through action or inaction, to provide a person with services necessary to maintain his or her physical and mental health and safety, including protection against incidents of inappropriate or unwanted sexual contact, harassment, taunting, bullying, and discrimination.

§§ 3-5 — COMMITMENT AND DISCHARGE HEARINGS

Prior law required the Superior Court and PSRB, when holding hearings on an acquittee's initial commitment, confinement, or conditional release, to primarily consider the protection of society. The act requires the court and PSRB to primarily consider both the protection of society and the acquittee's safety and well-being. For hearings on an acquittee's discharge from custody, the act requires the court to consider the protection of society as its primary concern and the acquittee's safety and well-being as its secondary concern.

By law, the Superior Court must hold an initial hearing to determine whether to discharge an acquittee or commit him or her to PSRB custody. Once the board takes jurisdiction over an acquittee, it must hold a hearing and decide (1) whether to commit the acquittee to the Department of Developmental Services (DDS) (if the person has an intellectual disability) or a state psychiatric hospital (i.e., Connecticut Valley Hospital or Whiting Forensic Hospital) and (2) what level of supervision and treatment is needed. An acquittee's commitment to PSRB continues until discharged by a court order.

§ 6 — PSRB WORKING GROUP

Duties

The act requires the DMHAS commissioner, by January 1, 2023, to convene a working group to evaluate PSRB. The evaluation must examine the following:

1. recommendations about PSRB made by the CVH Whiting Forensic Hospital Task Force established under PA 18-86;
2. methods to optimize the process by which someone (an "acquittee") is (a) committed to DMHAS custody and (b) released or discharged from custody, including by balancing society's protection, victims' rights, and the acquittee's health and well-being;
3. processes in place for committing and releasing an acquittee in states without a body similar to PSRB; and
4. the processes for notifying a victim when an acquittee is released or discharged from custody.

Members

Under the act, working group members must, at a minimum, include the following individuals:

1. a public health expert,
2. two members of the judiciary,
3. a defense attorney from the Judicial Department or Public Defender Services Commission,
4. a state's attorney,
5. a licensed physician specializing in psychiatry,
6. two acquittees,
7. two victims of an acquittee or two representatives of an organization that advocates on their behalf, and
8. the DMHAS and DDS commissioners.

The DMHAS commissioner must select the working group's chairpersons from among its members. The chairpersons must schedule the working group's first meeting so that it will occur by July 15, 2022.

Report

The act requires the working group chairpersons to report the group's findings to the Judiciary and Public Health committees by January 1, 2024.

§ 7 — TEMPORARY LEAVES

Under existing law, the Connecticut Valley Hospital's or Whiting Forensic Hospital's superintendent or DDS commissioner may apply to PSRB for an order granting an acquittee temporary leave. If PSRB grants the order, the act requires it to notify the victim of the acquittee's temporary leave.

The act also allows an acquittee, or someone acting on the acquittee's behalf, to also apply to PSRB for a temporary leave order. Applications may be submitted no more than once every six months from the date of the acquittee's initial commitment hearing.

Upon receiving an application, the act requires the board to request the DDS commissioner or hospital superintendent to report on whether they believe the temporary leave should be granted, including facts supporting the opinion. PSRB is not required to hold a hearing on an acquittee's first temporary leave application any earlier than 90 days after the acquittee's initial commitment hearing. If the board holds a hearing on a subsequent application for temporary leave, it must occur within 30 to 90 days after the application is filed.

If the board grants the application, the acquittee may be permitted to temporarily leave the hospital or DDS custody, either by him- or herself or under the charge of a guardian, relative, or friend. The leave may be limited to certain times and conditions, as the superintendent or DDS commissioner deems appropriate, unless the temporary leave order provides otherwise. PSRB must notify the victim of the acquittee's temporary leave.

In practice, temporary leave orders are generally used to help certain acquittees begin the transition process back into the community. They may include visits to community facilities for treatment or services or short visits with family members and friends, among other things. Conditions may be set for the leave, including (1) assigning a family member, friend, or guardian to supervise the acquittee and (2) permitting the hospital, acquittee, or acquittee's supervisor to return the acquittee to the hospital if doing so is in the acquittee's or public's best interest.

§ 8 — MAXIMUM-SECURITY CONFINEMENT

Existing law authorizes DMHAS, under certain circumstances, to transfer an acquittee from maximum-security confinement to another facility (e.g., hospital or emergency department) for medical treatment if the treatment is unavailable in the maximum-security setting or would pose a safety hazard due to the use of certain medical equipment or material.

The act (1) requires DMHAS, before doing so, to consult with a licensed health care provider who evaluated the acquittee and approves of the transfer and (2) eliminates prior law's requirement that the department give immediate written justification to PSRB. It instead requires DMHAS to notify PSRB of the transfer at the most reasonable time, as the hospital superintendent determines, but no later than 48 hours after it occurs.

As under prior law, DMHAS must also (1) ensure that the acquittee's custody conditions at the other facility are equivalent to those of maximum-security confinement and (2) transfer the acquittee back to the maximum-security setting after the medical treatment is complete.

Additionally, the act requires Whiting Forensic Hospital to establish a risk management review committee comprised of its licensed clinical professionals and administrators to review requests to transfer an acquittee from maximum-security confinement to a lower security division in the hospital for medical treatment. If the hospital's superintendent believes after consulting with the committee that an acquittee's transfer would safely advance his or her supervision and treatment, then he or she may effectuate it. The act requires the superintendent to notify PSRB of the transfer at least 48 hours in advance, and the board must then notify each of the acquittee's victims.

§ 9 — STATE SERVICE CLASSIFICATIONS FOR WHITING FORENSIC HOSPITAL CLINICIANS

The act requires DMHAS, in collaboration with DAS, to evaluate the state service classifications for physicians and senior level clinicians employed by Whiting Forensic Hospital. Specifically, the department must determine if these classifications are in the appropriate compensation plans needed to attract and retain experienced and competent hospital employees. Under the act, the DMHAS and DAS commissioners must jointly report on their evaluation to the Public Health Committee by January 1, 2023.

PA 22-47—sHB 5001
Public Health Committee
Appropriations Committee

AN ACT CONCERNING CHILDREN'S MENTAL HEALTH

TABLE OF CONTENTS:

§ 12 — SCHOOL MENTAL HEALTH SPECIALIST EMPLOYMENT SURVEY

Requires SDE to annually survey boards of education about their employment of school mental health specialists and calculate student-to-specialist ratios for districts and schools

§ 13 — GRANT FOR HIRING SCHOOL MENTAL HEALTH SPECIALISTS

Requires SDE to administer a grant program for FYs 23-25 to provide funding to school boards to hire additional school mental health specialists

§ 14 — GRANT FOR DELIVERY OF STUDENT MENTAL HEALTH SERVICES

Requires SDE to administer a grant program for FYs 23-25 to provide funding to boards of education, youth camps, and other summer program operators for delivery of student mental health services

§ 15 — GRANT FOR COLLEGE AND UNIVERSITY DELIVERY OF STUDENT MENTAL HEALTH SERVICES

Requires OHE to administer a grant program for FYs 23-25 to provide funding to public and private colleges and universities for delivery of student mental health services

§§ 16 & 21 — STUDENT TRUANCY AND BEHAVIORAL HEALTH INTERVENTIONS

Requires each school district to adopt and implement three new policies or procedures related to truant students; requires SDE to develop a truancy intervention model that accounts for mental and behavioral health; requires SDE, along with DCF, to issue guidance to school districts on best practices for behavioral health interventions and when to call the 2-1-1 Infoline program or use alternative interventions

§§ 17 & 18 — REGIONAL STUDENT TRAUMA COORDINATORS

Requires each of the state's six regional educational service centers to hire a regional trauma coordinator to, among other things, develop and implement a trauma-informed care training program; requires coordinators to train specialists at the local level to train teachers, administrators, and other staff; requires a progress report and a final report to be submitted to the Children's and Education committees

§ 19 — BEHAVIOR INTERVENTION MEETINGS

Allows classroom teachers to request behavior intervention meetings for students exhibiting seriously disruptive or physically harmful behavior; requires the school's crisis intervention team to convene them

§ 20 — STUDENT TRAUMA ASSESSMENT ADDED TO THE STRATEGIC SCHOOL PROFILE

Adds a needs assessment that identifies resources needed to address the level of student trauma to the existing list of items included in every school's strategic school profile

§ 22 — STATEWIDE EMERGENCY SERVICE TELECOMMUNICATIONS PLAN

Specifies that the statewide emergency service telecommunications plan must address residents who need mental health, behavioral health, or substance use disorder services

§ 23 — E 9-1-1 COMMISSION

Expands the E 9-1-1 Commission by adding the DPH, DMHAS, and DCF commissioners, or their designees, as members

§ 24 — DESPP COORDINATING ADVISORY BOARD

Expands the DESPP Coordinating Advisory Board by adding the DMHAS and DCF commissioners as members

§ 25 — 9-8-8 SUICIDE PREVENTION AND MENTAL HEALTH CRISIS LIFELINE FUND

Establishes a "9-8-8 Suicide Prevention and Mental Health Crisis Lifeline Fund" as a separate, non-lapsing General Fund account

§ 26 — PSAP PROCEDURES FOR 9-1-1 CALLS

Requires DESPP, together with DMHAS, DCF, and DPH, to develop a plan to incorporate mental and behavioral health and substance use disorder diversion into PSAP procedures for 9-1-1 calls and report it to the legislature by January 1, 2023

§ 27 — TRACKING OF SERVICES IN RESPONSE TO 9-8-8 CALLS

Requires DMHAS to develop and report on a mechanism to track services provided in response to 9-8-8 calls

§ 28 — MIDDLE AND HIGH SCHOOL STUDENT IDENTIFICATION CARDS

Requires public schools to include the National Suicide Prevention Lifeline number on student identification cards for grades 6-12

§§ 29 & 30 — COLLEGE AND UNIVERSITY IDENTIFICATION CARDS

Requires all public colleges and universities to include the National Suicide Prevention Lifeline number on student ID cards

§ 31 — CERTIFICATE OF NEED FOR MENTAL HEALTH FACILITIES

Temporarily exempts from CON requirements increases in mental health facilities' licensed bed capacity under certain conditions; requires OHS to report on any recommendations for establishing an expedited CON process for mental health facilities

§ 32 — DCF GRANT PROGRAM FOR CERTAIN MENTAL AND BEHAVIORAL HEALTH TREATMENT COSTS

Establishes a Mental and Behavioral Health Treatment Fund, administered by DCF to assist families with the costs of obtaining prescribed drugs or treatments and intensive services for children with mental and behavioral health conditions if insurance or Medicaid does not cover them

§ 33 — PEDIATRIC MENTAL HEALTH SCREENING TOOL

Requires DPH, by January 1, 2023, to develop or procure a screening tool to help pediatricians and emergency room doctors diagnose mental and behavioral health conditions and substance use disorders in children

§§ 34-36 — PEER-TO-PEER MENTAL HEALTH SUPPORT PROGRAM

Requires DCF, working with SDE, to develop a peer-to-peer mental health support program for students in grades 6 through 12; authorizes local and regional boards of education and certain other entities to administer the program beginning with the 2023-2024 school year

§ 37 — DCF IN-HOME RESPITE CARE SERVICES PROGRAM

Requires the DCF commissioner to set up an in-home respite care services program to help parents and guardians of children with behavioral health needs and creates a General Fund account dedicated to the program

§ 38 — CHILD AND ADOLESCENT PSYCHIATRIST GRANT PROGRAM

Requires DPH to establish a child and adolescent psychiatrist grant program for incentive grants to employers to recruit, hire, and retain these psychiatrists

§ 39 — DMHAS ADVERTISING CAMPAIGN

Requires DMHAS, in collaboration with DCF, to (1) plan and implement a statewide advertising campaign on available mental and behavioral health and substance use disorder services and (2) set up a related website

§ 40 — PEER-TO-PEER SUPPORT PROGRAM FOR CAREGIVERS

Requires the DCF-contracted peer-to-peer support program for parents and caregivers of children with behavioral health needs to use allocated state funds to provide services to those who are not covered for these services under HUSKY Health or a health insurance policy

§§ 41 & 42 — MENTAL HEALTH WELLNESS EXAMS

Requires certain health insurance policies to cover two mental health wellness examinations per year with no patient cost sharing or prior authorization requirements

§§ 43 & 44 — HEALTH INSURANCE COVERAGE FOR INTENSIVE SERVICES FOR MENTAL CONDITIONS

Requires certain health insurance policies to cover intensive evidence-based services to treat children's mental or nervous conditions and expands coverage to include adolescents

§ 45 — PSYCHOLOGY DOCTORAL STUDENT CLERKSHIP PROGRAM

Requires DPH to establish an incentive program to allow two-year, rather than annual, license renewal for psychology doctoral students' first four years of licensure if they complete a clerkship at certain DCF-licensed or -operated facilities

§ 46 — PROTOCOLS FOR EMS TRANSPORT

Requires DPH's Office of Emergency Medical Services to develop protocols for EMS organizations or providers to transport pediatric patients with mental or behavioral health needs by ambulance to DCF-licensed urgent crisis centers

§§ 47 & 48 — HEALTH INSURANCE COVERAGE FOR COLLABORATIVE CARE MODEL SERVICES

Requires certain health insurance policies to cover primary care provider services under a Collaborative Care Model (i.e., the integrated delivery of behavioral health and primary care services by a primary care team)

§§ 49-56 — EXPANDED HEALTH INSURANCE COVERAGE FOR CERTAIN EMERGENCY SERVICES AND DCF-LICENSED URGENT CRISIS CENTERS

Broadly expands health insurance coverage for and emergency access to DCF-licensed urgent crisis center services, including by (1) prohibiting balance billing, higher out-of-network billing, and prior authorization and (2) requiring 24-hour, 7-day per week access to services

§§ 55 & 56 — PROHIBITING PRIOR AUTHORIZATION FOR CERTAIN EMERGENCY ACUTE INPATIENT PSYCHIATRIC SERVICES

Prohibits prior authorization for acute inpatient psychiatric services provided (1) after an emergency department admission, (2) at an urgent crisis center, or (3) by referral because the insured poses an imminent danger to themselves or others; requires disclosures that the insured may incur out-of-network costs

§ 57 — OFFICE OF HEALTH STRATEGY REIMBURSEMENT RATE STUDY

Requires OHS to study the rates at which health carriers and TPAs in the state reimburse health care providers for physical, mental, and behavioral health benefits and report to the Insurance and Real Estate and Public Health committees by January 1, 2023, and January 1, 2024

§ 58 — OHS PAYMENT PARITY STUDY

Requires OHS to study certain payment parity-related issues for behavioral and mental health and other medical services under HUSKY Health and the private insurance market

§ 59 — MEDICAID REIMBURSEMENT SYSTEM TO ENCOURAGE COLLABORATION

Requires DSS to implement a Medicaid reimbursement system to encourage collaboration between primary care providers and behavioral and mental health providers

§§ 60 & 61 — YOUTH SERVICE CORPS PROGRAM AND GRANTS

Establishes a YSC grant program administered by DECD to provide grants to municipalities with priority school districts for paid community-based service learning and academic and workforce development programs for eligible youth and young adults

§§ 62-64 — INFORMATION ON CHILDREN'S MENTAL HEALTH AND DOMESTIC VIOLENCE

Sets new distribution requirements for the (1) DCF children's behavioral and mental health resources document and (2) judicial branch's Office of Victim Services domestic violence victim resources document

§§ 65 & 66 — VICTIM COMPENSATION PROGRAM EXPANSION

Expands the Victim Compensation Program by extending eligibility to victims of (1) child abuse substantiated by DCF and (2) certain other crimes against minors that OVS or a victim compensation commissioner reasonably concludes occurred

§ 67 — SPECIAL EDUCATION DISABILITY TERMINOLOGY

Requires SDE and boards of education to use "emotional disability" instead of "emotional disturbance" for special education purposes

§ 68 — CHILD AND ADOLESCENT PSYCHIATRY WORKING GROUP

Creates a working group to develop a plan to increase the number of psychiatry residency and child and adolescent psychiatry fellowship placements in the state

§ 69 — DPH GRANT TO CHILDREN'S HOSPITAL

Allows DPH, within available resources, to award a $150,000 grant in FY 23 to an in-state children's hospital for coordinating a mental and behavioral health training and consultation program; requires the hospital to report on the program

§ 70 — BEHAVIORAL AND MENTAL HEALTH POLICY AND OVERSIGHT COMMITTEE

Establishes a Behavioral and Mental Health Policy and Oversight Committee; requires the committee to evaluate and report on various matters related to the mental health system for children and develop a related strategic plan

§§ 71-73 — ADVERSE DETERMINATION NOTICES

Requires certain information on adverse determination notices to be prominently displayed and approved by the healthcare advocate

§ 1 — DPH PLAN FOR WAIVER OF LICENSURE REQUIREMENTS FOR CERTAIN PROVIDERS

Requires DPH, in consultation with DCF, to develop and implement a plan to waive licensure requirements for mental or behavioral health care providers licensed in other states (with priority given to children's providers)

This act requires the DPH commissioner, in consultation with the Department of Children and Families (DCF) commissioner, to develop and implement a plan to waive licensure requirements for mental or behavioral health care providers licensed or certified (or otherwise entitled to provide these services under a different designation) in other states. The DPH commissioner must prioritize providers licensed or certified (or otherwise entitled) to provide these services to children.

For this waiver to apply, the (1) other state must have requirements for practicing that are substantially similar to, or higher than, those in Connecticut and (2) provider must have no disciplinary history or pending unresolved complaints.

When developing and implementing the plan, the DPH commissioner must consider (1) eliminating barriers to the expedient licensure of these providers to immediately address the mental health needs of children in the state and (2) whether a waiver should be limited to telehealth.

Additionally, the act provides that any interstate licensure compact the state adopts for mental or behavioral health care providers would supersede the act's plan (see *Background*).

By January 1, 2023, DPH must implement and report on the plan to the Children's and Public Health committees, including recommendations for any related legislation.

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-81, §§ 42 & 43, enters Connecticut into the following two interstate compacts: the Psychology Interjurisdictional Compact and the Interstate Medical Licensure Compact.

§ 2 — EXPEDITED LICENSURE FOR HEALTH CARE PROVIDERS

Expands an existing law on expedited licensure for health care providers licensed in other states by eliminating provisions that limited it to state residents or spouses of active-duty military members stationed in Connecticut

With certain exceptions, existing law generally requires DPH to issue a health care license or other credential to someone licensed in another state who meets specified experience and background requirements (e.g., practiced under their current license for at least four years and has no disciplinary history). This requirement applies to all DPH-credentialed professions. Prior law required that these applicants be state residents or the spouse of an active-duty service member permanently stationed in Connecticut. The act removes the residency requirement, instead applying this law to at least active-duty military members or their spouses.

The act similarly eliminates a requirement for DPH to require state residents applying for this licensure to pass an examination, or part of one, required of other applicants. It instead gives DPH the discretion to require an examination for any applicants under these provisions. Under prior law, this discretionary authority applied to military spouses only.

By law, (1) applicants for expedited licensure must pay any credentialing fees required of other applicants and (2) a credential may be denied if the DPH commissioner finds it to be in the state's best interest.
EFFECTIVE DATE: October 1, 2022

§ 3 — SOCIAL WORK LICENSURE EXAMINATION ACCOMMODATIONS

Requires the DPH commissioner to notify clinical and master social worker license applicants that they may be eligible for certain testing accommodations

The act requires the DPH commissioner to notify every clinical and master social worker licensure applicant that he or she may be eligible for testing accommodations under the federal Americans with Disabilities Act or other accommodations determined by the Association of Social Work Boards, or its successor organization. Under the act, these accommodations may include (1) using a dictionary while taking the licensure exam or (2) additional time to complete the exam.
EFFECTIVE DATE: July 1, 2022

§ 4 — MASTER SOCIAL WORK LICENSE TEMPORARY PERMITS

Extends, until June 30, 2024, the duration of temporary master social worker permits from 120 days to one year after permit issuance and specifies that they are not void solely because the applicant fails the examination

Until June 30, 2024, the act extends the duration of temporary permits for master social workers from 120 days after attaining a master's degree to one year after permit issuance. It also specifies that a temporary permit is not void only because the applicant fails the examination. Starting July 1, 2024, the act reduces the duration of the temporary permits to 120 days after they are issued and makes them void if the applicant fails the licensure examination.

By law, a temporary permit allows licensure applicants who have a master's degree from a social work program, but have not yet taken the licensure examination, to practice under professional supervision.
EFFECTIVE DATE: Upon passage

§ 5 — TELEHEALTH SERVICES BY OUT-OF-STATE SOCIAL WORKERS

Allows out-of-state social workers, under certain conditions, to provide telehealth services to residents of other states while the residents are in Connecticut, until July 1, 2024

Until July 1, 2024, the act allows an out-of-state social worker to provide telehealth services to a resident of another state while that resident is in Connecticut if the social worker:

1. is appropriately licensed in another U.S. state or territory, or the District of Columbia;
2. has a preexisting professional relationship with the resident; and
3. has professional liability insurance or other indemnity against professional malpractice liability in an amount at least equal to that required for Connecticut-licensed social workers.

The act allows out-of-state social workers to do this regardless of Connecticut's existing telehealth law and PA 21-9. Existing law generally sets requirements for authorized providers providing telehealth services. PA 21-9 temporarily replaces these requirements with similar, but more expansive requirements through June 30, 2023.
EFFECTIVE DATE: Upon passage

Background — Related Act

PA 22-81 extends PA 21-9's temporary expanded telehealth requirements by one year, through June 30, 2024.

§ 6 — NEED-BASED ASSISTANCE FOR MENTAL AND BEHAVIORAL HEALTH CARE LICENSURE APPLICANTS

Requires DPH, within available appropriations, to establish a need-based program that waives application and licensure fees for certain applicants who will provide children's mental or behavioral health services

The act requires the DPH commissioner to establish, within available appropriations, a need-based program that allows her to waive application and licensure fees for the following licensure applicants who will provide mental or behavioral health services to children: art therapists, behavior analysts, marital and family therapists, physicians, professional counselors, psychologists, and social workers. It allows DPH to accept private donations for the program.

Under the act, the commissioner must develop program eligibility requirements based on applicants' financial need and prioritize those who (1) are members of a racial or ethnic minority; (2) speak English as a second language; (3) identify as lesbian, gay, bisexual, transgender, or queer; or (4) have a disability.

EFFECTIVE DATE: Upon passage

§ 7 — CHILDREN'S MENTAL HEALTH ADVISORY BOARD

Changes the composition of the Children's Mental, Emotional, and Behavioral Health Plan Implementation Advisory Board by adding 11 new members and specifying the required credentials of the DCF commissioner's appointees

The act changes the composition of the Children's Mental, Emotional, and Behavioral Health Plan Implementation Advisory Board by (1) increasing its total membership from 34 to 45 and (2) specifying the required professional background for each of the DCF commissioner's appointees.

It adds the following 11 new members:

1. the correction and labor commissioners, or their designees;
2. the Office of Policy and Management (OPM) secretary, or his designee;
3. one representative of the governor's office, appointed by the governor;
4. one representative of commercial health insurance carriers, appointed by the governor;
5. one representative of the Commission on Racial Equity in Public Health, appointed by the commission;
6. one representative of the Commission on the Disparate Impact of COVID-19, appointed by the commission;
7. one representative of the task force studying mental health service provider networks (as required under PA 21-125);
8. one representative of the task force studying children's needs (as required under PA 21-46); and
9. two additional appointees by the DCF commissioner.

For the DCF commissioner's appointees, it increases, from four to six, the number of mental, emotional, or behavioral health care services providers she must appoint to the board and specifies their required professional background as follows: a licensed psychiatrist, marital and family therapist, psychologist, clinical social worker, professional counselor, and an advanced practice registered nurse. Under the act, at least one of these appointees must be a mental, emotional, or behavioral health care provider to children involved in the juvenile justice system.

Except for the correction and labor commissioners and the OPM secretary, all new appointments must be made by October 1, 2022. Under prior law, all board members served an initial three-year term and could not be reappointed. Under the act, the two task force appointees must serve only one two-year term and may not be reappointed.

By law, the board advises specified individuals and entities on executing DCF's comprehensive behavioral health plan, among other things.

EFFECTIVE DATE: July 1, 2022

§ 8 — MOBILE PSYCHIATRIC SERVICES DATA REPOSITORY

Requires DCF to establish and administer a mobile psychiatric services data repository for personnel to share best practices and experiences and collect data on patient outcomes

The act requires DCF, by January 1, 2023, to establish and administer a data repository for (1) emergency mobile psychiatric services personnel to share best practices and experiences while providing emergency mobile psychiatric services to children in the field and (2) the department and these personnel, when available and appropriate, to collect outcome data on children who received these services. For internal quality improvement purposes, this patient data must be deidentified and disaggregated.

EFFECTIVE DATE: July 1, 2022

Background — Related Act

PA 22-81, § 1, requires DCF to make mobile crisis response services available to the public 24 hours a day, seven days a week.

§ 9 — WATERBURY FQHC PILOT PROGRAM FOR ADOLESCENTS WITH MENTAL OR BEHAVIORAL HEALTH ISSUES

Establishes a pilot program in Waterbury that allows an FQHC to administer intensive outpatient services for adolescents with mental or behavioral health issues

The act establishes a pilot program in Waterbury, administered by DCF in consultation with the Department of Social Services (DSS), allowing a federally qualified health center (FQHC) to administer intensive outpatient services, including an extended day treatment program, for adolescents with mental or behavioral health issues. The act requires the FQHC to administer these services to at least 144 adolescents annually for no less than five years. If the FQHC stops administering the services before October 1, 2027, it must reimburse the state for funds allocated to the pilot program in an amount prorated to the period the services were provided.

By January 1, 2024, and then annually until January 1, 2029, the act requires the DCF commissioner, in consultation with the DSS commissioner, to report to the Public Health and Children's committees on the pilot program's implementation. This report must assess the program's effectiveness and include legislative recommendations for implementing it statewide.

EFFECTIVE DATE: October 1, 2022

§ 10 — DCF REGIONAL BEHAVIORAL HEALTH CONSULTATION AND CARE COORDINATION PROGRAM

Expands DCF's regional behavioral health consultation and care coordinating program by, among other things, including mental health consultations and coordination and generally requiring it to refer the program's pediatric patients for up to three follow-up telehealth or in-person appointments

Existing law requires DCF's regional behavioral health consultation and care coordination program to provide certain services to primary care providers who serve children. The act expands the program to include mental health consultation and coordination and to provide program services to the provider's pediatric patients. Specifically, the act incorporates the program expansion to require that it give providers (1) timely access to a consultation team, including a child psychiatrist, social worker, and care coordinator; (2) patient care coordination and transitional services for mental or behavioral health care; and (3) training and education on patient access to mental and behavioral health services.

The act also requires the program to refer a provider's pediatric patients for up to three follow-up telehealth or in-person appointments with a mental or behavioral health care provider (1) if the provider determines it to be medically necessary and (2) after the primary care provider has used the program on the patient's behalf and the patient has been prescribed medication to treat a mental or behavioral health condition. The program must cover the appointment costs, within available appropriations.

The act requires the providers to refer the patients to a care coordinator who contracts with DCF, but is not participating in the program, to provide short-term assistance to the patients in getting mental or behavioral health care from a non-participating mental or behavioral health care provider.

Under the act, DCF must request reimbursement from a health carrier for services provided under the program before paying for the services with appropriated funds.

The act also deletes obsolete language.

EFFECTIVE DATE: Upon passage

§ 11 — OFFICE OF HEALTHCARE ADVOCATE EMPLOYEE

Requires the healthcare advocate to designate an employee to be responsible for Office of Healthcare Advocate services that are specific to minors

The act requires the state's healthcare advocate, by October 1, 2022, to designate an Office of Healthcare Advocate employee to be responsible for (1) performing the office's duties for minors and (2) coordinating statewide efforts to ensure minors have coverage for, and access to, services for behavioral and mental health conditions and substance use disorders.
EFFECTIVE DATE: July 1, 2022

§ 12 — SCHOOL MENTAL HEALTH SPECIALIST EMPLOYMENT SURVEY

Requires SDE to annually survey boards of education about their employment of school mental health specialists and calculate student-to-specialist ratios for districts and schools

Beginning by July 1, 2023, the act requires the State Department of Education (SDE) commissioner to develop and distribute, within available appropriations, an annual survey to each local and regional board of education about its employment of school mental health specialists. Under the act, these specialists are school social workers, school psychologists, trauma specialists, behavior technicians, board-certified behavior analysts, school counselors, licensed professional counselors, licensed marriage and family therapists, or any other people employed to provide mental health services to students.

The act requires the survey to include at least the following:

1. the total number of school mental health specialists for the district as a whole and for each individual school in the district;
2. a disaggregation of the total number of school social workers, school psychologists, trauma specialists, behavior technicians, board-certified behavior analysts, school counselors, licensed professional counselors, and licensed marriage and family therapists (a) in the district and (b) in each school in the district, including whether any are assigned to just one school or to multiple schools;
3. the geographic area covered by any school mental health specialist who provides services to more than one board of education;
4. an estimate of the annual number of students who received direct services from each individual school mental health specialist during the five years before the survey's completion; and
5. data, if any, about school-based behavioral health services provided for a school board contractually by a private provider, including the (a) types of services; (b) schools, grade levels, and number of students receiving these services; and (c) total board expenditures for these services under the contract during the previous school year.

Beginning in the 2023-24 school year, each board of education must annually complete the survey and submit it to the commissioner when and how she determines. After receiving a completed survey, the commissioner must annually calculate the student-to-school mental health specialist ratios for the board and for each school under its jurisdiction. The commissioner must annually report the survey results and ratios to the Children's and Education committees starting by January 1, 2024.
EFFECTIVE DATE: Upon passage

§ 13 — GRANT FOR HIRING SCHOOL MENTAL HEALTH SPECIALISTS

Requires SDE to administer a grant program for FYs 23-25 to provide funding to school boards to hire additional school mental health specialists

The act requires SDE to administer a program to provide grants in FYs 23-25 to local and regional boards of education for hiring additional school mental health specialists. It allows SDE to accept the following funding sources to support the program: (1) private source or state agency funds and (2) gifts, grants, and donations, including in-kind donations. (PA 22-116, § 10, (1) requires any school counselor hired through this grant program to provide one-on-one student consultations about completion of the Free Application for Federal Student Aid (FAFSA) and (2) provides for a larger grant amount for such boards who can prove that the district's FAFSA completion rate increased by at least 5%.)
EFFECTIVE DATE: July 1, 2022

Application Process

Under the act, boards may file grant applications with the education commissioner beginning on January 1, 2023, in a form and way she determines. Boards that apply before July 1, 2023, must submit the minimum information required by the act for the school mental health specialist employment survey; those that apply on or after July 1, 2023, must submit a copy of their completed survey (see § 12 above).

Regardless of their application date, all boards must also submit a plan for grant fund spending. The plan must include at least the following information: (1) the number of additional specialists to be hired, (2) whether previously hired specialists will be retained with these grant funds, (3) whether these specialists will be conducting student assessments or providing student services based on the assessment's results, and (4) the type of services that the specialists will provide. (PA 22-116, § 10, requires the applicant districts' grant spending plans to describe how the board will implement the FAFSA counseling requirements and demonstrate FAFSA completion rates.)

Award Process

The act authorizes the commissioner to determine (1) whether to award grants to applicant boards in FY 23 and (2) the amount of a recipient's initial grant award based on its submitted plan. However, it requires the commissioner to prioritize school districts with a large student-to-specialist ratio or a high volume of students using mental health services.

Additionally, the act establishes the following grant amounts for the commissioner to award for the duration of the grant program: for FY 23, a commissioner-determined amount; for FY 24, the same amount awarded in FY 23; and for FY 25, 70% of the amount awarded in FY 24.

Program Tracking

Under the act, grant recipients must file annual expenditure reports with SDE. The act limits grant recipients' expenditures to those consistent with the grant spending plan submitted as part of their application. It also prohibits them from using grant funds on operating expenses that existed before they received these funds. Additionally, the act requires grant recipients to refund to SDE (1) any unspent grant amount at the end of the fiscal year when it was awarded and (2) any grant amount that was spent inconsistently with the plan submitted in the grant application.

The act requires SDE to annually track and calculate each recipient's grant program utilization rate and the grant program's return on investment. The department must calculate the utilization rate using metrics that at least include the number of students served and service hours provided using grant program funds. SDE must calculate the program's return on investment using the utilization rate calculations and expenditure reports filed by the grant recipients.

Reports to the Legislature

By each January 1 in 2024 through 2026, the act requires the education commissioner to report to the Children's and Education committees on each grant recipient's utilization rate and the grant program's return on investment.

Additionally, the act requires the commissioner to develop recommendations on the following topics and submit them to the same legislative committees by January 1, 2026: (1) whether this grant program should be extended and funded for FY 26 and beyond and (2) the grant award amount under the program.

§ 14 — GRANT FOR DELIVERY OF STUDENT MENTAL HEALTH SERVICES

Requires SDE to administer a grant program for FYs 23-25 to provide funding to boards of education, youth camps, and other summer program operators for delivery of student mental health services

The act requires SDE to administer a program to provide grants in FYs 23-25 to boards of education, youth camp operators, and other summer program operators for delivery of student mental health services. It allows SDE to accept the following funding sources to support the program: (1) private source or state agency funds and (2) gifts, grants, and donations, including in-kind contributions.

EFFECTIVE DATE: Upon passage

Application Process

Beginning January 1, 2023, applicants must file grant applications with the education commissioner when and how she determines. Boards of education that apply before July 1, 2023, must submit the minimum information required by the act for the student mental health specialist employment survey; those that apply on or after July 1, 2023, must submit a copy

of their completed survey (see § 12 above). Additionally, all applicants must submit a plan for grant fund spending regardless of their application date.

Award Process

The act authorizes the commissioner to determine (1) whether to award grants to applicants in FY 23 and (2) the amount of a recipient's initial grant award based on its submitted plan. It establishes the following grant amounts for the commissioner to award for the duration of the grant program: for FY 23, a commissioner-determined amount; for FY 24, the same amount awarded in FY 23; and for FY 25, 70% of the amount awarded in FY 24.

Program Tracking

Under the act, grant recipients must file expenditure reports with SDE as the commissioner directs. The act limits grant recipients' expenditures to those consistent with the grant spending plan submitted as part of their application. It also prohibits them from using grant funds on operating expenses that existed before they received these funds. Additionally, the act requires grant recipients to refund to the department (1) any unspent grant amount at the end of the fiscal year when it was awarded and (2) any grant amount spent inconsistently with the plan submitted in the grant application.

The act requires each grant recipient to work with the department to develop metrics to annually track and calculate the grant program's utilization rate, which will measure the program's success. Grant recipients must submit these metrics and the utilization rate to SDE each year.

Reports to the Legislature

By each January 1 in 2024 through 2026, the act requires the education commissioner to report to the Children's and Education committees on each grant recipient's utilization rate.

Additionally, the act requires the commissioner to develop recommendations on the following topics and submit them to the same legislative committees by January 1, 2026: (1) whether this grant program should be extended and funded for FY 26 and beyond and (2) the grant award amount under the program.

§ 15 — GRANT FOR COLLEGE AND UNIVERSITY DELIVERY OF STUDENT MENTAL HEALTH SERVICES

Requires OHE to administer a grant program for FYs 23-25 to provide funding to public and private colleges and universities for delivery of student mental health services

The act requires the Office of Higher Education (OHE) to administer a program to provide grants in FYs 23-25 to public and private higher education institutions to deliver student mental health services on campus. It allows OHE to accept the following funding sources to support the program: (1) private source or state agency funds and (2) gifts, grants, and donations, including in-kind contributions.

EFFECTIVE DATE: Upon passage

Application Process

Beginning January 1, 2023, applicants must file grant applications with the OHE executive director when and how he determines. As part of its application, an institution must submit a plan for grant fund spending.

Award Process

The act authorizes OHE's executive director to determine (1) whether to award grants to applicants in FY 23 and (2) the amount of a recipient's initial grant award based on its submitted plan. It establishes the following grant amounts for the executive director to award for the duration of the grant program: for FY 23, a commissioner-determined amount; for FY 24, the same amount awarded in FY 23; and for FY 25, 70% of the amount awarded in FY 24. (Presumably, the OHE executive director, not a commissioner, is calculating the FY 23 amount.)

Program Tracking

Under the act, grant recipients must file expenditure reports with the OHE executive director as he directs. The act limits grant recipients' expenditures to those consistent with the grant spending plan submitted as part of their application. It also prohibits them from using grant funds on operating expenses that existed before they received these funds. Additionally, the act requires grant recipients to refund to the office (1) any unspent grant amount at the end of the fiscal year when it was awarded and (2) any grant amount spent inconsistently with the plan submitted in the grant application.

The act requires each grant recipient to work with the office to develop metrics to annually track and calculate the grant program's utilization rate, which will measure the program's success. Grant recipients must submit these metrics and the utilization rate to OHE each year.

Reports to the Legislature

By each January 1 in 2024 through 2026, the act requires the OHE executive director to report to the Higher Education and Employment Advancement Committee on each grant recipient's utilization rate.

The act also requires the executive director to develop recommendations on the following topics and submit them to the same committee by January 1, 2026: (1) whether this grant program should be extended and funded for FY 26 and beyond and (2) the grant award amount under the program.

§§ 16 & 21 — STUDENT TRUANCY AND BEHAVIORAL HEALTH INTERVENTIONS

Requires each school district to adopt and implement three new policies or procedures related to truant students; requires SDE to develop a truancy intervention model that accounts for mental and behavioral health; requires SDE, along with DCF, to issue guidance to school districts on best practices for behavioral health interventions and when to call the 2-1-1 Infoline program or use alternative interventions

School District Truancy Policies and Procedures (§ 16)

Existing law requires each school district to have policies or procedures related to truant students and specifies various requirements that the policies and procedures must include.

The act adds three new requirements. First, it requires school districts to notify a truant child's parent or guardian about the availability of the 2-1-1 Infoline program and other pediatric mental and behavioral health screening services and tools.

The act also requires that, beginning July 1, 2023, an appropriate student mental health specialist (as defined in § 12) evaluate each child who is a truant to determine if more behavioral health interventions are necessary for the child's well-being.

Lastly, the act requires each school district, by September 1, 2023, to adopt and implement (1) an SDE-developed truancy intervention model that accounts for mental and behavioral health or (2) a truancy intervention plan that meets the SDE truancy model requirements.

SDE Truancy Intervention Model (§ 21)

The act requires SDE to develop a truancy intervention model that accounts for mental and behavioral health and make it available for school districts' implementation by September 1, 2023. Existing law requires the department to have an intervention model available for school districts it identifies as having a disproportionally high level of truancy (CGS § 10-198a(b)(5)).

Behavioral Health Interventions (§ 21)

The act requires SDE to collaborate with DCF to issue guidance to boards of education by September 1, 2023, on (1) best practices for behavioral health interventions and (2) when to call the 2-1-1 Infoline program or use alternative interventions.

EFFECTIVE DATE: July 1, 2022

§§ 17 & 18 — REGIONAL STUDENT TRAUMA COORDINATORS

Requires each of the state's six regional educational service centers to hire a regional trauma coordinator to, among other things, develop and implement a trauma-informed care training program; requires coordinators to train specialists

at the local level to train teachers, administrators, and other staff; requires a progress report and a final report to be submitted to the Children's and Education committees

The act requires each regional educational service centers (RESC), for FYs 23 and 24, to hire an individual to serve as the RESC's regional trauma coordinator (i.e., "coordinator"). The act makes each coordinator responsible for, among other duties, developing and implementing a trauma-informed care training program as required under the act and providing technical assistance in implementing the program to the boards of education that are the RESC's member boards. Each coordinator must have significant trauma-informed experience and have completed professional training on trauma.

Specifically, the act requires the RESC coordinators to jointly develop and implement the training program with a training model enabling student mental health specialists to deliver trauma-informed care training for all teachers, administrators, and other school staff and coaches when they complete the program. In developing the training program, the regional trauma coordinators may collaborate with nonprofit organizations in the state that focus on child health and development and trauma-informed care for children.

The act requires the coordinators to offer this training at no cost to student mental health specialists or the RESC member boards of education that employ the specialists. A student mental health specialist who has participated in the trauma-informed care program must be the one providing this training to teachers, administrators, and other school staff and coaches under the act.

The act requires the regional trauma coordinators to attempt to design the training so that it can be included as part of a school district's required in-service training. It permits a board of education to enter into an agreement with the RESC trauma coordinator to provide the trauma-informed care training program as part of the school district's in-service training program.

EFFECTIVE DATE: July 1, 2022

Progress Report and Final Report

The act requires each coordinator to (1) develop a progress report and a final report on the training program's implementation, (2) submit the progress report to the Children's and Education committees by January 1, 2024, and (3) submit the final report to the same committees by January 1, 2025.

The progress report must cover the training program's implementation in FY 23, including an analysis of its effectiveness and results. The final report must cover the program's implementation in FYs 23 and 24 and include (1) an analysis of the program's effectiveness and results and (2) recommendations on whether it should be extended and funded for FYs 25 and 26.

§ 19 — BEHAVIOR INTERVENTION MEETINGS

Allows classroom teachers to request behavior intervention meetings for students exhibiting seriously disruptive or physically harmful behavior; requires the school's crisis intervention team to convene them

Beginning in the 2022-23 school year, the act allows any classroom teacher to request a behavior intervention meeting with the school's crisis intervention team for any student whose behavior has caused (1) a serious disruption to other students' instruction or (2) self-harm or physical harm to the teacher, another student, or staff in the teacher's classroom. By law, a school's crisis intervention team responds to incidents where physical restraint or seclusion may be necessary to prevent immediate or imminent injury to a student or others. The school principal designates the team members, consisting of a teacher, administrator, and school paraprofessional or other school employee who has direct contact with students (CGS § 10-236b(o)(2)).

Under the act, the crisis intervention team must call the meeting, and its participants must identify resources and supports to address the student's social, emotional, and instructional needs.

EFFECTIVE DATE: July 1, 2022

§ 20 — STUDENT TRAUMA ASSESSMENT ADDED TO THE STRATEGIC SCHOOL PROFILE

Adds a needs assessment that identifies resources needed to address the level of student trauma to the existing list of items included in every school's strategic school profile

Existing law requires each school district superintendent to annually submit to SDE a strategic school profile that, among other things, provides information on measures of student needs. The act requires superintendents to include, as part

of this category, a needs assessment that identifies resources needed to (1) address student trauma impacting students and staff in each school and (2) adequately respond to students with mental, emotional, or behavioral health needs.

By law, the strategic school profile also includes data on student performance, school resources, special education, and other items. The law requires each superintendent to submit data for the entire district and each school individually for the strategic school profile.

EFFECTIVE DATE: July 1, 2022

§ 22 — STATEWIDE EMERGENCY SERVICE TELECOMMUNICATIONS PLAN

Specifies that the statewide emergency service telecommunications plan must address residents who need mental health, behavioral health, or substance use disorder services

By law, the Department of Emergency Services and Public Protection's (DESPP's) Division of State-Wide Emergency Telecommunications, in cooperation with the Public Utilities Regulatory Authority, must develop a statewide emergency service telecommunications plan identifying emergency police, fire, and medical service telecommunications systems needed to provide coordinated emergency service telecommunications to all state residents, including those with physical disabilities. The act specifies that the plan must also address residents who need mental health, behavioral health, or substance use disorder services.

EFFECTIVE DATE: October 1, 2022

§ 23 — E 9-1-1 COMMISSION

Expands the E 9-1-1 Commission by adding the DPH, DMHAS, and DCF commissioners, or their designees, as members

The act increases the E 9-1-1 Commission's membership by adding the DPH, DMHAS, and DCF commissioners, or their respective designees. By law, the commission generally advises DESPP on planning, designing, implementing, and coordinating the statewide emergency 9-1-1 telephone system and the public safety data network. Its membership consists largely of representatives from fire, police, telecommunication, and emergency services.

EFFECTIVE DATE: October 1, 2022

§ 24 — DESPP COORDINATING ADVISORY BOARD

Expands the DESPP Coordinating Advisory Board by adding the DMHAS and DCF commissioners as members

The act expands the DESPP Coordinating Advisory Board's membership by adding the DMHAS and DCF commissioners. By law, the board advises DESPP on ways to improve emergency response communications and related matters. Its membership consists largely of representatives from fire, police, public health, and emergency services. The DESPP commissioner, or the commissioner's designee, serves as the chairperson.

EFFECTIVE DATE: October 1, 2022

§ 25 — 9-8-8 SUICIDE PREVENTION AND MENTAL HEALTH CRISIS LIFELINE FUND

Establishes a "9-8-8 Suicide Prevention and Mental Health Crisis Lifeline Fund" as a separate, non-lapsing General Fund account

A 2020 federal law (P.L. 116-172) designated 9-8-8 as the national suicide prevention and mental health crisis hotline, operational as of July 16, 2022.

The act establishes the "9-8-8 Suicide Prevention and Mental Health Crisis Lifeline Fund" as a separate, non-lapsing General Fund account. DMHAS must use the account's funds only for (1) ensuring the efficient and effective routing of in-state calls made to 9-8-8 to an appropriate crisis center and (2) funding personnel and the provision of acute mental health, crisis outreach, and stabilization services by directly responding to 9-8-8.

The act requires that the following be deposited or transferred into the fund: (1) any General Fund appropriation to DMHAS directed to the fund; (2) any grants or gifts intended for the fund; and (3) fund interest, premiums, gains, or other earnings. It also prohibits any money in the fund from being transferred or otherwise diverted for other purposes.

The act requires the DMHAS commissioner to annually report on the fund's deposits and expenditures beginning by January 1, 2024, to the Appropriations, Children's, Human Services, and Public Health committees.

EFFECTIVE DATE: October 1, 2022

§ 26 — PSAP PROCEDURES FOR 9-1-1 CALLS

Requires DESPP, together with DMHAS, DCF, and DPH, to develop a plan to incorporate mental and behavioral health and substance use disorder diversion into PSAP procedures for 9-1-1 calls and report it to the legislature by January 1, 2023

The act requires DESPP, together with DMHAS, DCF, and DPH, to develop a plan for incorporating mental and behavioral health and substance use disorder diversion into the procedures public safety answering points (PSAPs) use to dispatch emergency response services in response to 9-1-1 calls. The plan must include recommendations for the following:

1. staffing PSAPs with licensed mental and behavioral health and substance abuse disorder service providers to (a) provide crisis counseling to 9-1-1 callers who immediately require these services, (b) assess their need for ongoing services, and (c) if needed, refer them to service providers;
2. transferring callers who require these services to responders, other than law enforcement (e.g., community organizations, mobile crisis teams, local organizations, or networks), who provide telephone support or referral services for people with mental or behavioral health needs or a substance use disorder, and asking whether these callers are veterans to better target the necessary services;
3. requiring PSAPs to coordinate with DMHAS during the state's transition of mental health crisis and suicide response from the United Way's 2-1-1 Infoline program to the National Suicide Prevention Lifeline's 9-8-8 program;
4. developing protocols for transferring 9-1-1 calls to the 9-8-8 line when it is operational;
5. setting standards for training telecommunicators (i.e., 9-1-1 emergency dispatchers) to respond to 9-1-1 callers who may require mental or behavioral health or substance use disorder services;
6. collecting data to evaluate the effectiveness of procedures used to divert 9-1-1 callers who may need these services to the appropriate crisis hotline or services provider; and
7. evaluating how other states or jurisdictions implemented these procedures.

The DESPP commissioner must, by January 1, 2023, report on the plan's development, implementation recommendations, and timeline to the Public Safety and Security, Public Health, and Children's committees.
EFFECTIVE DATE: Upon passage

§ 27 — TRACKING OF SERVICES IN RESPONSE TO 9-8-8 CALLS

Requires DMHAS to develop and report on a mechanism to track services provided in response to 9-8-8 calls

The act requires DMHAS, by January 1, 2024, to develop a mechanism to track mental health, behavioral health, and substance use disorder services provided in response to 9-8-8 calls (see § 25). By February 1, 2024, the DMHAS commissioner must report on its development to the Public Health Committee.
EFFECTIVE DATE: Upon passage

§ 28 — MIDDLE AND HIGH SCHOOL STUDENT IDENTIFICATION CARDS

Requires public schools to include the National Suicide Prevention Lifeline number on student identification cards for grades 6-12

The act requires each local and regional board of education, beginning in the 2023-24 school year, to include the 9-8-8 National Suicide Prevention Lifeline number on the student identification cards distributed to students in grades 6-12. If the 9-8-8 number has not been operational for more than one year before the 2023-24 school year begins, then the act postpones this requirement until a future school year immediately after the number has been operational in Connecticut for 366 days.
EFFECTIVE DATE: July 1, 2022

§§ 29 & 30 — COLLEGE AND UNIVERSITY IDENTIFICATION CARDS

Requires all public colleges and universities to include the National Suicide Prevention Lifeline number on student ID cards

The act requires UConn, each of the Connecticut State Universities and regional-technical community colleges, and Charter Oak State College to include the 9-8-8 National Suicide Prevention Lifeline number on each student identification card. This requirement takes effect once the lifeline has been operational in Connecticut for 366 days.
EFFECTIVE DATE: October 1, 2022

§ 31 — CERTIFICATE OF NEED FOR MENTAL HEALTH FACILITIES

Temporarily exempts from CON requirements increases in mental health facilities' licensed bed capacity under certain conditions; requires OHS to report on any recommendations for establishing an expedited CON process for mental health facilities

Generally, existing law requires health care facilities to apply for and receive a certificate of need (CON) from the Office of Health Strategy's (OHS) Health Systems Planning Unit when proposing to establish a new facility or provide new services, change ownership, purchase or acquire certain equipment, or terminate certain services.

Under certain conditions, the act exempts from CON requirements increases in the licensed bed capacity of mental health facilities through June 30, 2026.

It also requires the OHS executive director, by January 1, 2025, to report to the governor and the Public Health Committee her recommendations, if any, on establishing an expedited CON process for mental health facilities.
EFFECTIVE DATE: Upon passage

Temporary CON Exemption for Bed Capacity Increases

To be eligible for the act's temporary CON exemption, a mental health facility must show the Health Systems Planning Unit, in a form the unit prescribes, that it accepts reimbursement for any covered benefit to covered individuals under certain types of private or public insurance plans. Specifically, this applies to the following:

1. individual or group health insurance policies that cover (a) basic hospital expenses; (b) basic medical-surgical expenses; (c) major medical expenses; or (d) hospital or medical services, including those provided under an HMO plan;
2. self-insured plans under the federal Employee Retirement Income Security Act (ERISA); and
3. HUSKY Health (i.e., Medicaid and the state children's health insurance program).

The exemption ends if the mental health facility does not accept or stops accepting reimbursement for any covered benefit under these policies, plans, or programs.

By June 30, 2026, a facility seeking to increase its licensed bed capacity without applying for a CON must notify OHS of its intent to do so, as well as its address and a description of all its current or planned services. The OHS executive director sets the form and manner of this notice.

§ 32 — DCF GRANT PROGRAM FOR CERTAIN MENTAL AND BEHAVIORAL HEALTH TREATMENT COSTS

Establishes a Mental and Behavioral Health Treatment Fund, administered by DCF to assist families with the costs of obtaining prescribed drugs or treatments and intensive services for children with mental and behavioral health conditions if insurance or Medicaid does not cover them

Funding and Program Purpose

The act establishes a Mental and Behavioral Health Treatment Fund as a separate, nonlapsing General Fund account. The account must contain any funds the law requires to be deposited in it and the DCF commissioner must use the funds to help families pay for prescription drugs or certain treatment and intensive services for children to treat a mental or behavioral health condition if insurance or Medicaid does not cover the cost.

Under the act, the intensive services include intensive evidence-based services or other intensive services to treat mental and behavioral health conditions in children and adolescents, including intensive in-home child and adolescent psychiatric services and services provided by an intensive outpatient program.

The act authorizes the DCF commissioner to (1) accept, on the fund's behalf, any federal funds or private grants or gifts made for the grant program and (2) use the funds to make grants to families for the act's purposes.

Program Eligibility

The act requires the DCF commissioner to establish eligibility criteria for families to receive the assistance and start accepting grant applications by January 1, 2023.

Under the act, the eligibility requirements (1) must include that a family's health carrier has denied coverage or reimbursement for the drug or treatment or for intensive services and (2) may include the family's financial need.

Program Description on the Departments' Websites and in Certain Resources

Websites. By January 1, 2023, the act requires DCF, the Department of Consumer Protection, and OPM to post in a conspicuous location on their respective websites the grant program's description, including the eligibility requirements and application process. The OPM secretary may request that another state agency also post this information on its website.

Resources. Under the act, the description DCF posts on its website, as required above, must also include information on resources for connecting children and families to behavioral health services. The act also requires DCF to:

1. include the description in the children's behavioral and mental health resources document the department creates for each mental health region and
2. provide the description to the 2-1-1 Infoline program operated by the United Way of Connecticut.

Reporting

The act requires the DCF commissioner to annually report on the program's effectiveness to the Public Health Committee, starting by January 1, 2024.

EFFECTIVE DATE: Upon passage

§ 33 — PEDIATRIC MENTAL HEALTH SCREENING TOOL

Requires DPH, by January 1, 2023, to develop or procure a screening tool to help pediatricians and emergency room doctors diagnose mental and behavioral health conditions and substance use disorders in children

The act requires DPH, by January 1, 2023, to develop or procure a pediatric mental health, behavioral health, and substance use disorder screening tool. DPH must do so in consultation with DCF, a Connecticut children's hospital representative, and the Connecticut chapter of a national professional association of (1) pediatricians and (2) child and adolescent psychiatrists.

The screening tool must include questions geared toward helping a child's pediatrician or an emergency department physician with diagnosing common mental and behavioral health conditions and substance use disorders that may require specialized treatment. It must be completed by a child and, where appropriate, the child's parent or guardian before or during the child's pediatric appointment or during the child's emergency department visit. The departments must establish standards on the minimum age when the screening tools should be first used for a child.

By January 1, 2023, the act requires DPH, in collaboration with DCF and DMHAS, to make the screening tool available to all pediatricians and emergency department physicians in the state, free of charge, and make recommendations to pediatricians and emergency department physicians for its effective use. It requires pediatricians and emergency department physicians to use the screening tool as a supplement to the existing methods used to diagnose a mental or behavioral health condition or a substance use disorder.

Under the act, pediatricians must provide the screening tool to each patient annually, and emergency department physicians must (1) provide the screening tool to each emergency department patient under age 18 and at least the minimum department-determined age, or the parents or guardian, before the child's discharge from the emergency department and (2) send a copy of it to the child's pediatrician or primary care provider to the extent possible and as soon as practicable.

EFFECTIVE DATE: Upon passage

§§ 34-36 — PEER-TO-PEER MENTAL HEALTH SUPPORT PROGRAM

Requires DCF, working with SDE, to develop a peer-to-peer mental health support program for students in grades 6 through 12; authorizes local and regional boards of education and certain other entities to administer the program beginning with the 2023-2024 school year

The act requires DCF, working with SDE, to create a peer-to-peer mental health support program available to (1) local and regional boards of education, (2) local and district health departments, (3) youth service bureaus, (4) municipal social

service agencies, and (5) other DCF-approved youth-serving organizations. The program must provide services to help students in grades 6 through 12 with problem solving, decision making, conflict resolution, and stress management.

The act requires the departments to develop the program by January 1, 2023. They also must provide training, beginning January 1, 2023, on the program's implementation and student instruction, guidance, and supervision to designated school staff members (see below) and employees of the entities described above.

DCF must use best practices and may use any existing peer-to-peer counseling models in developing the program.

Under the act, beginning with the 2023-2024 school year, local and regional boards of education may begin administering the program to participating students in grades 6-12. The other entities described above may begin administering the program to these students on or after July 1, 2023.

The superintendent for each school district administering the program must select at least one "designated staff member" to complete the DCF-SDE training (i.e., a teacher, school administrator, school counselor, psychologist, social worker, nurse, physician, or school paraeducator (1) employed by a local or regional board of education or (2) working in a public middle or high school). The other entities administering the program must select at least one employee to do so as well.

EFFECTIVE DATE: July 1, 2022

§ 37 — DCF IN-HOME RESPITE CARE SERVICES PROGRAM

Requires the DCF commissioner to set up an in-home respite care services program to help parents and guardians of children with behavioral health needs and creates a General Fund account dedicated to the program

The act requires the DCF commissioner, by January 1, 2023, to set up a program to provide in-home care services for children with behavioral health needs (i.e., children who are suffering from one or more mental disorders as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders") to give their parents and guardians a break from caregiving. DCF must administer the program by contracting with in-home respite care service providers or giving these children's parents and guardians direct subsidies to purchase these services.

Relatedly, the act creates a "Department of Children and Families In-home Respite Care Services Fund" as a separate, nonlapsing account within the General Fund. The account must contain any moneys that the law requires to be deposited in it. Account funds must be spent by the DCF commissioner for funding the above in-home respite care services program.

The act also allows the DCF commissioner to adopt regulations to carry out these provisions, including eligibility criteria for participating in the program. The act requires DCF to implement policies and procedures to administer the program while adopting regulations, as long as the department posts notice of intent to adopt the regulations on the state's eRegulations System within 20 days of implementing the policies and procedures. The policies and procedures are valid until regulations are adopted.

EFFECTIVE DATE: July 1, 2022

§ 38 — CHILD AND ADOLESCENT PSYCHIATRIST GRANT PROGRAM

Requires DPH to establish a child and adolescent psychiatrist grant program for incentive grants to employers to recruit, hire, and retain these psychiatrists

The act requires DPH, by January 1, 2023, to establish and administer a grant program to incentivize employers of child and adolescent psychiatrists to recruit and hire new psychiatrists and retain those whom they employ. It requires the DPH commissioner to establish (1) eligibility requirements; (2) priority categories, including nonhospital employers; (3) funding limitations; and (4) the application process. The commissioner, in consultation with OHS, must distribute grant funds equitably with regard to employer type and location.

Starting by January 1, 2024, the commissioner must annually report to the Public Health Committee on (1) the number and demographics of the employers who applied for and received incentive program grants, (2) the recipients' use of grant funds, and (3) any other information the commissioner considers pertinent.

EFFECTIVE DATE: Upon passage

§ 39 — DMHAS ADVERTISING CAMPAIGN

Requires DMHAS, in collaboration with DCF, to (1) plan and implement a statewide advertising campaign on available mental and behavioral health and substance use disorder services and (2) set up a related website

The act requires DMHAS, by January 1, 2023, and in collaboration with DCF, to design, plan, and implement a multiyear, statewide advertising campaign to (1) promote the availability of all mental health, behavioral health, and substance use disorder services in the state, including the difference between 9-1-1, 9-8-8, and 2-1-1, and (2) inform residents how to obtain these services. The campaign must at least include television, radio, and online advertising.

DMHAS, by this same date and also in collaboration with DCF, must also establish and regularly update a website connected with the advertising campaign that includes a comprehensive listing of in-state providers of these services.

The act requires the DMHAS commissioner to solicit cooperation and participation from these providers in the advertising campaign, including soliciting any available funds. It allows the commissioner to hire consultants with advertising expertise to help implement these provisions.

EFFECTIVE DATE: Upon passage

§ 40 — PEER-TO-PEER SUPPORT PROGRAM FOR CAREGIVERS

Requires the DCF-contracted peer-to-peer support program for parents and caregivers of children with behavioral health needs to use allocated state funds to provide services to those who are not covered for these services under HUSKY Health or a health insurance policy

The act requires the peer-to-peer support program that provides services to parents and caregivers of children with mental and behavioral health issues to use state funds allocated for the program to provide services to those who are not covered for these services under (1) HUSKY Health or (2) an individual or group health insurance policy. The act allows the program, which is operated by an administrative services organization that contracts with DCF, to continue to provide services to parents and caregivers of children covered under HUSKY Health if the program exhausts allocated state funds.

Under the act, the DCF commissioner may adopt policies and procedures for program administration.

EFFECTIVE DATE: Upon passage

§§ 41 & 42 — MENTAL HEALTH WELLNESS EXAMS

Requires certain health insurance policies to cover two mental health wellness examinations per year with no patient cost sharing or prior authorization requirements

The act requires certain health insurance policies to cover two mental health wellness examinations per year conducted by a licensed mental health professional or primary care provider. The examinations must be covered with no patient cost-sharing (i.e., no coinsurance, copay, or deductible) or prior authorization requirements.

Under the act, a "mental health wellness examination" is a screening or assessment to identify any behavioral or mental health needs and appropriate treatment resources. It may include:

1. observation;
2. a behavioral health screening;
3. education and consultation on healthy lifestyle changes;
4. referrals to ongoing treatment, mental health services, and other necessary supports;
5. discussion of potential medication options;
6. age-appropriate screenings or observations to understand the insured's mental health history, personal history, and mental or cognitive state; and
7. relevant input from an adult through screenings, interviews, or questions if appropriate.

Under the act, a "licensed mental health professional" is one of the following licensed professionals: a professional counselor or certain people practicing under supervision, a physician certified in psychiatry, an advanced practice registered nurse (APRN) certified as a psychiatric and mental health clinical nurse specialist or practitioner, a psychologist, a marital and family therapist, a clinical social worker, or an alcohol and drug counselor.

A "primary care provider" is a licensed physician, APRN, or physician assistant providing primary care services. The act specifies that the examinations may be performed by a primary care provider as part of a preventative visit.

EFFECTIVE DATE: January 1, 2023

Coverage Applicability

The act applies to fully insured individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on or after January 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.

Because of 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.)

Cost Sharing Applicability

The cost-sharing limitation applies to each plan described above. However, for plans that are high deductible health plans (HDHPs), it applies only to the maximum extent (1) permitted by federal law and (2) that does not disqualify someone who establishes a health savings account (HSA), medical savings account (MSA), or Archer MSA from receiving the associated federal tax benefits. Under federal law, individuals with eligible HDHPs may make pre-tax contributions to an HSA, MSA, or Archer MSA and use the account for qualified medical expenses.

§§ 43 & 44 — HEALTH INSURANCE COVERAGE FOR INTENSIVE SERVICES FOR MENTAL CONDITIONS

Requires certain health insurance policies to cover intensive evidence-based services to treat children's mental or nervous conditions and expands coverage to include adolescents

The act requires certain health insurance policies to cover intensive services for treating a child's mental or nervous condition that are evidence-based, in addition to ones that are home-based, as existing law requires. The act also expands this coverage to include services designed for adolescents, rather than those only for children, as under prior law.

The provisions apply to fully insured individual or 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.

EFFECTIVE DATE: January 1, 2023

§ 45 — PSYCHOLOGY DOCTORAL STUDENT CLERKSHIP PROGRAM

Requires DPH to establish an incentive program to allow two-year, rather than annual, license renewal for psychology doctoral students' first four years of licensure if they complete a clerkship at certain DCF-licensed or -operated facilities

The act requires DPH, by January 1, 2023, to establish an incentive program encouraging psychology doctoral degree candidates to serve at least one semester-long clerkship (1) at a DCF-licensed or -operated facility or (2) for other state agencies the DCF commissioner deems appropriate.

Under the act, this clerkship requires the candidate to work 12 to 16 hours per week as a psychological assessor or psychotherapist under the supervision of an agency-affiliated psychologist and at least one core faculty member of the doctoral degree program. The candidate's program of study must (1) be primarily psychological and (2) occur at an educational institution approved by DPH under existing law for psychologist licensure.

The act allows anyone completing the clerkship to renew his or her psychologist license every two years, rather than annually, during the first four years of licensure.

EFFECTIVE DATE: July 1, 2022

§ 46 — PROTOCOLS FOR EMS TRANSPORT

Requires DPH's Office of Emergency Medical Services to develop protocols for EMS organizations or providers to transport pediatric patients with mental or behavioral health needs by ambulance to DCF-licensed urgent crisis centers

The act requires DPH's Office of Emergency Medical Services (OEMS), by January 1, 2024, to develop protocols for licensed or certified emergency medical services (EMS) organizations or providers to transport pediatric patients with mental or behavioral health needs by ambulance to DCF-licensed urgent crisis centers. These centers must be dedicated to treating children's urgent mental or behavioral health needs.

Under the act, as under existing law for EMS non-hospital transport, the ambulance must meet state regulatory requirements for a basic level ambulance, including those about medically necessary supplies and services.

EFFECTIVE DATE: October 1, 2022

§§ 47 & 48 — HEALTH INSURANCE COVERAGE FOR COLLABORATIVE CARE MODEL SERVICES

Requires certain health insurance policies to cover primary care provider services under a Collaborative Care Model (i.e., the integrated delivery of behavioral health and primary care services by a primary care team)

The act requires certain health insurance policies to cover health care services that a primary care provider provides to an insured under the Collaborative Care Model. Under the act, the "Collaborative Care Model" is the integrated delivery of behavioral health and primary care services by a primary care team that includes a primary care provider, behavioral care manager, and psychiatric consultant. It must also include a database that the behavioral care manager uses to track patient progress.

Under the act, this coverage must include services with the following Current Procedural Terminology (CPT) or Healthcare Common Procedure Coding System (HCPCS) codes, including any subsequent corresponding codes:

1. HCPCS G2214, initial or subsequent psychiatric collaborative care management, in consultation with other collaborative care team professionals (i.e., tracking or following up on patient progress);
2. CPT 99484, clinical staff time for behavioral health care management conditions;
3. CPT 99492, initial psychiatric collaborative care management;
4. CPT 99493, subsequent psychiatric collaborative care management; and
5. CPT 99494, additional initial or subsequent psychiatric collaborative care management.

The provisions apply to fully insured 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 ERISA, state insurance benefit mandates do not apply to self-insured benefit plans. (In practice, the state employee health insurance plan adopts enacted benefits.)

EFFECTIVE DATE: January 1, 2023

§§ 49-56 — EXPANDED HEALTH INSURANCE COVERAGE FOR CERTAIN EMERGENCY SERVICES AND DCF-LICENSED URGENT CRISIS CENTERS

Broadly expands health insurance coverage for and emergency access to DCF-licensed urgent crisis center services, including by (1) prohibiting balance billing, higher out-of-network billing, and prior authorization and (2) requiring 24-hour, 7-day per week access to services

Prior Authorization, Cost Sharing, and Maximum Billable Amounts (§ 49)

The act prohibits health carriers from (1) requiring prior authorization for urgent crisis center services or (2) imposing a cost-sharing level for out-of-network services provided at these urgent crisis centers that is greater than the in-network level. Under the act, an "urgent crisis center" is a DCF-licensed center dedicated to treating children's urgent mental or behavioral health needs, and "urgent crisis center services" are pediatric mental and behavioral health services provided at one of these centers.

The act also establishes the maximum allowable billable and reimbursable amounts for services provided at an out-of-network urgent crisis center. For these services, a provider may bill the carrier directly, and a carrier must reimburse the center or insured, for the in-network rate as payment in full. As with existing law for out-of-network emergency services, a provider and carrier may agree to a different rate.

Prohibits Balance Billing (§§ 50 & 51)

The act makes it a Connecticut Unfair Trade Practices Act (CUTPA) violation for a health care provider to "balance bill" an insured for covered services that are provided by an out-of-network provider at a DCF-licensed urgent crisis center (i.e., bill more than the collectable cost-sharing under the policy).

The act also prohibits any health care center (i.e., HMO) provider, agent, trustee, or assignee from requesting any payment from an enrollee for covered services provided by an out-of-network provider at one of these crisis centers. It additionally requires all HMO contracts with providers to disclose that doing so is a CUTPA violation.

Among other things, CUTPA allows the consumer protection commissioner to investigate complaints, issue cease and desist orders, and order restitution in certain cases. 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 restraining order violations (CGS § 42-110a et seq.).

Applicability (§ 49)

The provisions described above (i.e., prior authorization, cost sharing, billable amounts, and balance billing) apply 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.

However, for plans that are HDHPs, it applies only to the maximum extent (1) permitted by federal law and (2) that does not disqualify someone who establishes an HSA, MSA, or Archer MSA from receiving the associated federal tax benefits. Under federal law, individuals with eligible HDHPs may make pre-tax contributions to an HSA, MSA, or Archer MSA and use the account for qualified medical expenses.

Full Week, 24-Hour Access to Services (§ 52)

By law, health carriers must provide covered people with access to emergency services 24 hours per day, seven days per week. The act requires carriers to also ensure that covered people have the same access to DCF-licensed urgent crisis center services, to the extent they are available.

Expanded Treatment Coverage for Mental or Nervous Conditions (§§ 53 & 54)

By law and with the exception of emergency services or certain referrals, HMOs are not required to cover state-mandated treatments for mental or nervous conditions at unaffiliated facilities. By also excluding services rendered at a DCF-licensed urgent crisis center, the act requires HMOs to cover these services even when provided at unaffiliated facilities.

EFFECTIVE DATE: January 1, 2023

§§ 55 & 56 — PROHIBITING PRIOR AUTHORIZATION FOR CERTAIN EMERGENCY ACUTE INPATIENT PSYCHIATRIC SERVICES

Prohibits prior authorization for acute inpatient psychiatric services provided (1) after an emergency department admission, (2) at an urgent crisis center, or (3) by referral because the insured poses an imminent danger to themselves or others; requires disclosures that the insured may incur out-of-network costs

The act prohibits certain individual and group health insurance policies that cover acute inpatient psychiatric services from requiring prior authorization if these services are provided:

1. after a hospital emergency department admission;
2. by referral from the insured's treating physician, psychologist, or APRN if the insured poses an imminent danger to self or others; or
3. at a DCF-licensed urgent crisis center.

The act specifies that it does not preclude a health carrier from using other forms of utilization review, including concurrent and retrospective review.

The act requires health care providers delivering acute inpatient psychiatric services, when admitting the insured, as well as any physicians, psychologists, or APRNs, when making a referral, to give the insured a written notice stating that they may:

1. incur out-of-pocket costs if the services are not covered by health insurance and
2. choose to wait for an in-network bed for the services, or risk incurring out-of-network costs.

The provisions apply to 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.

However, for HDHPs, the provisions apply only to the maximum extent (1) permitted by federal law and (2) that does not disqualify someone who establishes an HSA, MSA, or Archer MSA from receiving the associated federal tax benefits. Under federal law, individuals with eligible HDHPs may make pre-tax contributions to an HSA, MSA, or Archer MSA and use the account for qualified medical expenses.

EFFECTIVE DATE: January 1, 2023

§ 57 — OFFICE OF HEALTH STRATEGY REIMBURSEMENT RATE STUDY

Requires OHS to study the rates at which health carriers and TPAs in the state reimburse health care providers for physical, mental, and behavioral health benefits and report to the Insurance and Real Estate and Public Health committees by January 1, 2023, and January 1, 2024

The act requires OHS to study the rates at which health carriers (e.g., insurers and HMOs) and third-party administrators (TPAs) in the state reimburse health care providers for covered physical, mental, and behavioral health benefits under individual and group health insurance policies. The study must assess at least the following:

1. the viability of implementing a sliding scale of reimbursement rates in the state,
2. how much reimbursement rates for mental and behavioral health benefits would need to increase to (a) attract more providers of covered mental and behavioral health benefits and (b) encourage existing providers to accept new patients,
3. the potential total savings to health carriers if insureds had more access to providers of covered mental and behavioral health benefits,
4. reimbursement rates for mental and behavioral health benefits paid by private health insurance policies compared to what the state or other governmental payors pay,
5. reimbursement rates for children's mental and behavioral health benefits compared to adults', and
6. the number of children referred for these benefits compared to the number who receive them.

In conducting the study, OHS may coordinate with the Connecticut Insurance Department and use information from the state's all-payer claims database.

The act requires OHS to report its interim study results to the Insurance and Real Estate and Public Health committees by January 1, 2023, and final study results by January 1, 2024.

EFFECTIVE DATE: Upon passage

§ 58 — OHS PAYMENT PARITY STUDY

Requires OHS to study certain payment parity-related issues for behavioral and mental health and other medical services under HUSKY Health and the private insurance market

The act requires OHS, in consultation with the insurance and DSS commissioners, to study whether payment parity exists between the following:

1. providers of behavioral and mental health services and providers of other medical services in the private insurance market;
2. these providers within the HUSKY Health program (i.e., Medicaid and the state children's health insurance program); and
3. behavioral and mental health providers within the HUSKY Health program and the private insurance market.

The study must also include (1) rate increases that may be needed to encourage more private providers to offer behavioral and mental health services to HUSKY Health members, (2) an estimate of how much these increases would cost the state annually, and (3) potential annual state savings on other health care costs if HUSKY Health members had expanded access to these providers.

Under the act, the OHS executive director must submit a report with interim study results by January 1, 2023, and a final report by January 1, 2024, to the Appropriations, Human Services, Insurance, and Public Health committees.

EFFECTIVE DATE: Upon passage

§ 59 — MEDICAID REIMBURSEMENT SYSTEM TO ENCOURAGE COLLABORATION

Requires DSS to implement a Medicaid reimbursement system to encourage collaboration between primary care providers and behavioral and mental health providers

The act requires the DSS commissioner to implement a Medicaid reimbursement system, to the extent federal law allows, that encourages collaboration between primary care providers and behavioral and mental health care providers and recognizes that multiple providers may be involved in providing care. The act allows the commissioner to consider the potential impact on federal reimbursement when implementing the system.

The act allows the DSS commissioner to adopt the Collaborative Care Model to expand access to behavioral and mental health services for HUSKY Health program members. Under this model, a primary care team delivers integrated behavioral health and primary care services. The team includes a primary care provider, a psychiatric consultant, and a behavioral care manager who uses a database to track patient progress. The act also allows DSS to use the billing system developed by the

federal Centers for Medicare and Medicaid Services that provides Medicaid rates for services provided under this model.

By law, HUSKY Health includes Medicaid (under HUSKY A, C, and D) and the Children's Health Insurance Program (under HUSKY B) (CGS § 17b-290).

EFFECTIVE DATE: July 1, 2022

§§ 60 & 61 — YOUTH SERVICE CORPS PROGRAM AND GRANTS

Establishes a YSC grant program administered by DECD to provide grants to municipalities with priority school districts for paid community-based service learning and academic and workforce development programs for eligible youth and young adults

The act establishes a youth service corps (YSC) grant program to provide grants to municipalities with priority school districts (PSDs) to establish programs that provide paid, community-based service learning and academic and workforce development programs to eligible Connecticut youth and young adults (i.e., local YSC programs). By law, priority school districts are those whose students receive low standardized test scores and have high levels of poverty (CGS § 10-266p(a)).

Under the act, the Department of Economic and Community Development (DECD) administers the grant program, and its commissioner must develop the application process and selection criteria by October 1, 2022. Each municipality that receives a YSC program grant must operate, establish, or demonstrate plans to establish a local YSC program. The act requires the local program to conform to parameters the act sets (see below).

By January 1, 2023, and annually thereafter, the DECD commissioner must award grants to municipalities selected to participate in the amount of $10,000 per participating youth or young adult plus 15% of that amount for program administration expenses. Under the act, the municipalities may use the grants to (1) administer the local YSC program and (2) award a subgrant of up to $10,000 to any participating youth or young adult to support or subsidize participation in program activities.

Relatedly, the act creates a "youth service corps grant program account" as a separate, nonlapsing account within the General Fund. The account must contain any moneys that the law requires to be deposited in it. The DECD commissioner must spend account funds on the YSC program.

The act also establishes annual reporting requirements for participating municipalities and DECD.

EFFECTIVE DATE: July 1, 2022

Participant Eligibility

Under the act, program participants must be youths or young adults age 16 to 24 who are showing signs of disengagement or disconnection from school, the workplace, or the community. The program must focus on youth or young adults involved with the justice system or DCF, in foster care, or experiencing homelessness.

The act requires participation to be by referral only, and referrals must be made by (1) a school official, (2) a juvenile probation officer, (3) the DCF commissioner or her designee, or (4) a community organization employee whom the municipality or its YSC program administrator designates to make referrals. Each youth or young adult participant must develop an individual success plan to identify education, workforce, or behavioral development goals.

Program Administration

The act requires a local, community-based organization with expertise in providing youth or young adult services and workforce development programs to administer the local YSC program. The organization must work with municipal officials to identify potential service project opportunities.

Under the act, to support the participants' identified goals, each local YSC program must provide the following:

1. year-long, part-time employment with flexible hours for public or private employers the program administrator screens and approves;
2. community-based service learning projects the program administrator selects;
3. a transition plan for the participant detailing goals and steps to take to accomplish them; and
4. other activities the program administrator approves.

Program administrators must evaluate each youth and young adult participant using performance indicators applicable to them, including education outcomes, career competency development, training completion, and positive behavior changes to measure whether the participant is achieving his or her goals.

Reporting Requirements

Beginning by December 1, 2023, each municipality that received a grant must annually report on its local YSC program to the DECD and DCF commissioners in a form and manner the DECD commissioner determines.

Additionally, the DECD commissioner, in consultation with the DCF commissioner, must annually report on the program, beginning by January 1, 2024, to the Commerce and Children's committees.

§§ 62-64 — INFORMATION ON CHILDREN'S MENTAL HEALTH AND DOMESTIC VIOLENCE

Sets new distribution requirements for the (1) DCF children's behavioral and mental health resources document and (2) judicial branch's Office of Victim Services domestic violence victim resources document

The act establishes new requirements related to the development and distribution of the existing (1) DCF children's behavioral and mental health resources document and (2) judicial branch's Office of Victim Services (OVS) domestic violence victim resources document.

It requires OVS, starting by December 1, 2022, to do the following annually:

1. provide its victim resources document in multiple languages, including English, Polish, Portuguese, and Spanish;
2. distribute the document electronically to SDE; and
3. distribute it electronically and in hard copy to DESPP, each municipal police department, and each ambulance company and organization that offers transportation or treatment services to patients under emergency conditions.

Starting January 1, 2023, the act also does the following:

1. requires state and municipal police officers and emergency medical technicians, including medical responders, to keep copies of the DCF and OVS documents in any vehicle they use to carry out their duties;
2. allows the police officers and emergency medical technicians to provide a copy of the documents to anyone, including a victim's family member, whom the officer or technician determines may benefit from the services or resources described in them; and
3. requires peace officers at the scene of a family violence incident to provide victims with the OVS victim resource document and, if there is a child at the scene, a copy of the DCF children's resources document containing children's mental health resources in the victim's mental health region.

EFFECTIVE DATE: July 1, 2022

§§ 65 & 66 — VICTIM COMPENSATION PROGRAM EXPANSION

Expands the Victim Compensation Program by extending eligibility to victims of (1) child abuse substantiated by DCF and (2) certain other crimes against minors that OVS or a victim compensation commissioner reasonably concludes occurred

By law, a victim may be eligible for crime victim compensation if he or she sustained personal injury or died as a result of (1) a crime as defined under Connecticut law; (2) a crime that occurred outside the United States, if it would be considered a crime in Connecticut and the victim is a Connecticut resident; or (3) a crime involving international terrorism as defined by federal law.

The act expands compensation eligibility under the program to victims of child abuse substantiated by DCF on or after October 1, 2022, so long as the individual whom DCF determines is responsible is placed on its child abuse and neglect registry. It also requires the DCF or children's advocacy center employee to whom the abuse was disclosed to notify the victim or the victim's parent, guardian, or legal representative about the (1) victim's potential eligibility for the program, (2) program application process, and (3) types and amounts of compensation that may be awarded. Specifically, the employee must notify the person who disclosed the injury (e.g., victim or parent) both verbally and in writing. The act does not specify a time frame within which the employee must make the notification.

Additionally, under existing law, OVS or, on review, a victim compensation commissioner may order compensation to be paid to certain victims (e.g., sexual assault or trafficking victims) if (1) the personal injury has been (a) disclosed to certain professionals, such as a doctor, DCF worker, or guidance counselor or (b) reported in a restraining or civil protection order application that was granted, and (2) the office or commissioner reasonably concludes that the violation occurred. The act expands eligibility under these conditions to victims of the crimes of commercial sexual abuse of a minor, enticing a minor, obscenity as to a minor, employing or promoting a minor in an obscene performance, and commercial sexual exploitation of a minor.

EFFECTIVE DATE: October 1, 2022

Background — Victim Compensation Program

By law, the judicial branch's OVS administers the state's Victim Compensation Program. Generally, the maximum program payments are $15,000 for personal injury (minors may receive an additional $5,000 in certain circumstances); $25,000 for survivor benefits; and $5,000 for emotional harm. However, OVS or a victim compensation commissioner may award amounts above the statutory maximum for good cause shown and upon a finding of compelling equitable circumstances (CGS § 54-211(d)).

§ 67 — SPECIAL EDUCATION DISABILITY TERMINOLOGY

Requires SDE and boards of education to use "emotional disability" instead of "emotional disturbance" for special education purposes

Beginning July 1, 2022, the act requires SDE and local and regional boards of education to use the term "emotional disability" instead of "emotional disturbance" when administering and providing special education services. It specifies that "emotional disability" under the act has the same meaning as "emotional disturbance" under federal special education law (see *Background* below).
EFFECTIVE DATE: Upon passage

Background — Emotional Disturbance

Federal regulations for the Individuals with Disabilities Education Act (IDEA, 20 U.S.C. § 1400 et seq.) define "emotional disturbance" as a condition exhibiting one or more of the following characteristics over a long period of time to a marked degree and adversely affecting educational performance:

1. an inability to learn that cannot be explained by intellectual, sensory, or health factors;
2. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
3. inappropriate types of behavior or feelings under normal circumstances;
4. a general pervasive mood of unhappiness or depression; or
5. a tendency to develop physical symptoms or fears associated with personal or school problems.

The definition also includes schizophrenia. It does not apply to children who are socially maladjusted unless they are determined to have an emotional disturbance as defined above (34 C.F.R. § 300.8).

§ 68 — CHILD AND ADOLESCENT PSYCHIATRY WORKING GROUP

Creates a working group to develop a plan to increase the number of psychiatry residency and child and adolescent psychiatry fellowship placements in the state

The act establishes a 10-member child and adolescent psychiatry working group. The group must develop a plan to increase the number of psychiatry residency and child and adolescent psychiatry fellowship placements in the state. The plan must (1) maximize state and federal funding sources and (2) provide these psychiatry residents and fellows with the opportunity to treat in-state children and adolescents who are uninsured, underinsured, or eligible for benefits under HUSKY B (i.e., the state children's health insurance program).
EFFECTIVE DATE: July 1, 2022

Membership and Administration

The working group consists of the DPH and DSS commissioners, or their designees, and eight appointed members as shown in the table below.

Child and Adolescent Psychiatry Working Group Appointed Members

Appointing Authority	*Appointee Qualifications*
House speaker (2)	One federally qualified health center representative One Public Health Committee member

Appointing Authority	*Appointee Qualifications*
Senate president pro tempore (2)	One faculty member from an in-state psychiatry residency program One Public Health Committee member
House majority leader (1)	Federally qualified health center representative
Senate majority leader (1)	In-state practicing child and adolescent psychiatrist
House minority leader (1)	Public Health Committee member
Senate minority leader (1)	Public Health Committee member

Under the act, the appointing authorities must make their initial appointments by July 31, 2022, and fill any vacancy.

The House speaker and Senate president pro tempore must each select a co-chairperson from among the working group's members. The chairpersons must schedule the first meeting, which must be held by August 30, 2022.

The Public Health Committee's administrative staff serves in that capacity for the working group.

Reporting Requirement

The act requires the working group to report to the Public Health Committee by January 1, 2023, on its findings and recommendations, including (1) its activities, research findings, and any proposed legislative changes and (2) any potential funding sources for additional psychiatry residency and child and adolescent psychiatry fellowship placements.

§ 69 — DPH GRANT TO CHILDREN'S HOSPITAL

Allows DPH, within available resources, to award a $150,000 grant in FY 23 to an in-state children's hospital for coordinating a mental and behavioral health training and consultation program; requires the hospital to report on the program

The act allows DPH, within available resources, to issue a $150,000 grant in FY 23 to an in-state children's hospital to coordinate a mental and behavioral health training and consultation program from January 1, 2023, to January 1, 2025. The program must be available to all in-state, practicing pediatricians to help them gain the necessary knowledge, experience, and confidence to effectively treat pediatric mental and behavioral health issues.

Under the act, the hospital receiving this grant must annually report to the Public Health Committee on the program, starting by January 1, 2023, with the last report due on January 1, 2025. The reports must address the hospital's program coordination, the number of participating pediatricians, program outcomes, and any other information the hospital deems relevant.

EFFECTIVE DATE: July 1, 2022

§ 70 — BEHAVIORAL AND MENTAL HEALTH POLICY AND OVERSIGHT COMMITTEE

Establishes a Behavioral and Mental Health Policy and Oversight Committee; requires the committee to evaluate and report on various matters related to the mental health system for children and develop a related strategic plan

The act establishes, within the Legislative Department, a Behavioral and Mental Health Policy and Oversight Committee. The committee's charge is 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.

EFFECTIVE DATE: Upon passage

Committee Membership and Administration (§ 70(b)-(f))

Under the act, the committee's membership includes the following officials or their designees:

1. the chairpersons and ranking members of the Appropriations, Children's, Human Services, and Public Health committees;

2. the commissioners of the departments of Children and Families, Correction, Developmental Services, Early Childhood, Education, Insurance, Mental Health and Addiction Services, Public Health, and Social Services;
3. the OHS executive director;
4. the child advocate;
5. the healthcare advocate;
6. the Court Support Services Division executive director;
7. the Commission on Women, Children, Seniors, Equity and Opportunity executive director; and
8. the OPM secretary.

The committee also includes 13 appointed members, as shown in the table below.

Behavioral and Mental Health Policy and Oversight Committee Appointed Members

Appointing Authority	*Appointee Qualifications*
House speaker (3)	One legislator Two providers of mental, emotional, or behavioral health services for children in the state
Senate president pro tempore (3)	One legislator Two representatives of private advocacy groups that provide services to children and families in the state
House majority leader (2)	Two representatives of children's hospitals
Senate majority leader (1)	Representative of public school superintendents in the state
House minority leader (2)	Two representatives of families with children diagnosed with mental, emotional, or behavioral health disorders
Senate minority leader (2)	Two providers of mental or behavioral health services

Lastly, the committee includes, as ex-officio, nonvoting members, one representative from each administrative services organization under contract with DSS to provide services for HUSKY Health recipients.

The act allows the legislative designees or appointees to be legislators. The appointing authority fills any vacancy.

The OPM secretary or his designee serves as a committee co-chairperson. The other co-chairperson must be a legislator, selected jointly by the House speaker and Senate president pro tempore, from among the following members: (1) the legislative committee chairpersons or ranking members (or their designees) or (2) the House speaker's or Senate president pro tempore's appointees. The chairpersons must schedule the first meeting, which must be held by July 3, 2022.

Under the act, committee members serve without compensation except for necessary expenses in performing their duties.

Initial Report (§ 70(g))

The act requires the committee to report certain information by January 1, 2023, to the Appropriations, Children's, Human Services, and Public Health committees and the OPM secretary.

The committee must report its recommendations for any necessary statutory and budgetary changes in the mental health system of prevention, development, and treatment to accomplish the following:

1. improve children's developmental, mental health, and behavioral health outcomes;
2. improve transparency and accountability for state-funded services for children and youth, emphasizing the committee's identified goals for community-based programs and facility-based interventions; and
3. promote efficient information sharing by state and state-funded agencies to ensure the regular collection and reporting of data on children and families' access to, use of, and benefit from needed services to promote public health and mental and behavioral health outcomes for children, youth, and their families.

The committee's report also must include the following:

1. service gaps the committee identified for children and families involved in the mental health system, and recommendations to address these gaps;
2. strengths and barriers the committee identified that support or impede the mental health needs of children and

youth, with specific recommendations for reforms;
3. an examination of how state agencies can work collaboratively through school-based efforts and other processes to improve children's mental health and developmental outcomes;
4. an examination of disproportionate access and outcomes across the mental health care system for children of color;
5. a comparable examination for children with developmental disabilities;
6. a plan to ensure a quality assurance framework, including efficacy and outcome data, for state or private facilities and programs in the mental health care system; and
7. a governance structure for the children's mental health system to best facilitate the state's public policy and health care goals to ensure that all children and families can access high-quality care.

Consultation With and Support From Other Organizations (§ 70(h))

The act requires the committee, before completing its duties, to request consultation with at least one organization that focuses on the quality of children's services or research related to children's well-being, such as The Child Health and Development Institute or Connecticut Voices for Children. It allows the committee to accept administrative support and technical and research assistance from these types of organizations.

The act also requires the committee to collaborate with any results-first initiative implemented pursuant to law. (Generally, results-first is an evidence-based, cost-benefit analysis to evaluate public policy program effectiveness.)

Data Access (§ 70(i))

The act requires that the committee have access to data the state collects on children's behavioral health-related matters, either from the agencies themselves or directly from contracted administrative service organizations, as applicable.

Subcommittees (§ 70(j))

Under the act, the committee must have at least two subcommittees to inform its recommendations. The subcommittees may focus on workforce-related issues, school-based health, prevention, and intermediate or acute care. Each subcommittee must (1) be chaired by a committee member and (2) examine gaps, reimbursement rates, parity in service outcomes, and service efficacy.

Review and Follow-up Reports (§ 70(k))

The act requires the committee to establish a time frame for reviewing and making follow-up reports on the status or progress of the committee's recommendations and activities. These reports must include (1) specific recommendations to improve outcomes related to children's mental, emotional, or behavioral health and (2) a timeline for achieving specific tasks or outcomes.

Strategic Plan (§ 70(l) & (m))

Under the act, the committee must develop a strategic plan integrating the recommendations identified in its initial report. The plan may include short-, medium-, and long-term goals. In developing the plan, the committee must collaborate with any state agency that has responsibilities relating to the mental health system.

The act requires the committee, by August 1, 2023, to report the strategic plan to the Appropriations, Children's, Human Services, and Public Health committees and the OPM secretary. The report must also include (1) an account of progress made toward fully implementing the plan and (2) any recommendations on implementing the plan's identified goals.

§§ 71-73 — ADVERSE DETERMINATION NOTICES

Requires certain information on adverse determination notices to be prominently displayed and approved by the healthcare advocate

By law, health carriers must notify insureds or their representatives of adverse determinations (e.g., benefit denials). The act generally requires certain information contained in the notices to be more prominently displayed and approved by the healthcare advocate.

Existing law requires these adverse determination notices to contain certain information based on the type of denial and determination, including:

1. a statement that the insured may appeal the determination, that appeals are sometimes successful, and other appeal-related information;
2. the insured's right to contact the Office of the Healthcare Advocate at any time regarding adverse determinations that have been appealed or that are not based on medical necessity; and
3. the insured's right to receive documents related to their adverse determinations.

The act requires the above information to be in language the healthcare advocate approves and prominently displayed on the notice's first page or cover sheet using a call-out box and large or bold text.

EFFECTIVE DATE: January 1, 2023

PA 22-48—sHB 5044
Public Health Committee
Appropriations Committee

AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS REGARDING THE USE OF OPIOID LITIGATION PROCEEDS

SUMMARY: This act establishes an Opioid Settlement Fund as a separate non-lapsing fund administered by a 37-member Opioid Settlement Advisory Committee with assistance from the Department of Mental Health and Addiction Services (DMHAS).

Under the act, the fund must contain moneys the state receives from opioid-related judgments, consent decrees, or settlements finalized on or after July 1, 2021 (see BACKGROUND). The moneys must be generally used prospectively and only for specified substance use disorder abatement purposes.

If the DMHAS commissioner and the attorney general certify that a judgment's, consent decree's, or settlement's purpose is inconsistent with the fund's intent, the act establishes a process for them to deposit the moneys into an alternative account or fund, which includes, among other things, reporting to the Public Health Committee before doing so.

Among other things, the act:

1. generally requires proceeds from any state settlement to be allocated only to municipalities with an agreement to participate in the settlement and follow its terms;
2. requires the DMHAS commissioner to obtain the advisory committee's approval before making or refusing to make fund disbursements;
3. prohibits the DMHAS commissioner from making fund disbursements unless the Office of Policy and Management (OPM) secretary verifies that the funds appropriated in that fiscal year's budget for substance use disorder purposes at least equal the total amount appropriated in the prior fiscal year;
4. requires the advisory committee to hold quarterly public meetings and specifies that it terminates when all settlement moneys are received and disbursed, unless the state expects to receive additional funds;
5. specifies that disbursements do not replace any other funds that would have otherwise been used for the same purposes (e.g., insurance benefits or governmental funding);
6. requires fund recipients, starting by October 1, 2023, to annually file with the advisory committee a report for the prior fiscal year on the effectiveness of funded programs, services, supports, or resources;
7. requires the advisory committee, starting by January 15, 2023, to annually report on the fund to the Appropriations and Public Health committees; and
8. authorizes the state to fund a trust to provide direct support and services to opioid epidemic survivors and victims, in accordance with the March 11, 2022, settlement agreement with Purdue Pharma and the Sackler family.

EFFECTIVE DATE: July 1, 2022

§§ 2 & 4 — OPIOID SETTLEMENT FUND

Fund Establishment

The act establishes an Opioid Settlement Fund as a separate nonlapsing fund administered by the Opioid Settlement Advisory Committee that the act also establishes (see below).

Under the act, the fund must contain certain money the state receives that is intended to address opioid use, related disorders, or the impact of the opioid crisis. Specifically, the act directs to the fund money received from any judgment,

consent decree, or settlement paid by any defendant that is finalized on or after July 1, 2021, related to opioid production, distribution, dispensing, and other opioid-related activities. Moneys remaining in the fund at the end of a fiscal year remain in the fund and do not revert to the General Fund.

However, if the DMHAS commissioner and the attorney general certify that the purposes of a judgment, consent decree, or settlement are inconsistent with the fund's intent, the act permits them to deposit the moneys into an alternative fund or account if they do the following:

1. report the certification in writing to the Opioid Settlement Advisory Committee and include any alternative fund or account they identified and the reasons for depositing the moneys into it and
2. report to the Public Health Committee on the intended use of the money in the alternative fund or account.

Fund Balance and Inventory

The act requires the State Treasurer to determine the Opioid Settlement Fund's balance annually by July 1.

Additionally, starting by December 31, 2022, the State Treasurer must annually report to the Opioid Settlement Advisory Committee an inventory of fund investments and the fund's net income as of the most recent fiscal year.

Use of Funds

The act requires the fund to be used only in accordance with the controlling judgment, consent decree, or settlement, as confirmed by the attorney general and after the committee's and the OPM secretary's approval. It restricts the fund's use to the following substance use disorder abatement purposes:

1. statewide, regional, or community substance use disorder needs assessments to identify structural gaps and needs to inform fund expenditures;
2. infrastructure (e.g., personnel, buildings, equipment) required for evidence-based substance use disorder prevention, treatment, recovery, or harm reduction programs (e.g., syringe service programs and naloxone distribution), services, and supports;
3. programs, services, supports, and resources for evidence-based substance use disorder prevention, treatment, recovery, or harm reduction (i.e., an attempted or actual reduction in the adverse consequences of substance use, including by addressing the underlying causes and conditions);
4. evidence-informed substance use disorder prevention, treatment, recovery, or harm reduction pilot programs or demonstration studies that are not evidence-based, but are approved by the advisory committee as an appropriate use of money for a limited time period the advisory committee sets, so long as it assesses whether the evidence supports funding the programs or studies or if the evidence provides a basis to fund them with an expectation of creating an evidence base for them;
5. evaluating the effectiveness and outcomes reporting for substance use disorder abatement infrastructure, programs, services, supports, and resources for which the money was disbursed, including the (a) impact on access to harm reduction services or substance use disorder treatment or (b) reduction in drug-related deaths;
6. at least one publicly available data interface the DMHAS commissioner manages to aggregate, track, and report (a) substance use disorders, overdoses, and drug-related harms; (b) spending recommendations, plans, and reports; and (c) outcomes of programs, services, supports, and resources for which the money was disbursed;
7. opioid abatement research, including developing evidence-based treatment, treatment barriers, nonopioid treatment of chronic pain, and harm reduction supply-side enforcement;
8. documented expenses (a) to administer and staff the fund and the advisory committee and (b) incurred by the state or municipalities in securing settlement proceeds deposited in the fund (including legal fees), permitted by the controlling judgment, consent decree, or settlement;
9. documented expenses to manage, invest, and disburse the money; and
10. documented expenses, including legal fees, incurred by the state or a municipality in securing settlement proceeds deposited in the fund, unless they are reimbursed under a fee agreement in the controlling judgment, consent decree, or settlement.

The act requires the fund to be used prospectively, and not to reimburse expenditures from before July 1, 2022, unless:

1. a court order requires a refund to the federal government or
2. the documented expenses were incurred (a) administering the fund and advisory committee or (b) securing settlement proceeds deposited in the fund by the state or a municipality.

Under the act, "evidence-based" means meeting one of the following evidentiary criteria:

1. meta-analyses or systematic reviews found the activity, practice, program, service, support, or strategy effective;
2. evidence from a scientifically rigorous experimental study, including a randomized controlled trial, shows the

activity, practice, program, service, support, or strategy is effective; or
3. multiple observational studies from locations within the U.S. indicate that the activity, practice, program, service, support, or strategy is effective.

Eligibility for Fund Disbursements

The act requires proceeds from any state settlement of claims against a defendant to be allocated only to municipalities that execute an agreement to participate in the settlement and adhere to the agreement's terms. However, it does not preclude or limit an allocation or disbursement to benefit residents within a municipality that does not execute an agreement or adhere to an agreement's terms.

Under the act, government and nonprofit nongovernmental entities are eligible to receive the money for programs, services, supports, and resources for prevention, treatment, recovery, and harm reduction.

Fund Disbursement Process

The act requires the DMHAS commissioner to obtain the Opioid Settlement Advisory Committee's approval before making or refusing to make fund disbursements. The commissioner must adhere to the advisory committee's decisions about fund disbursements, as long as they are permissible expenditures (i.e., qualify as one of the substance use disorder abatement purposes described above).

The act specifies that the commissioner's role in distributing the money after the advisory committee approves it is administrative and not discretionary.

The act prohibits the commissioner from making fund disbursements unless the OPM secretary sends the advisory committee a letter verifying that the funds appropriated and allocated in the fiscal year's budget for substance use disorder purposes for prevention, treatment, recovery, and harm reduction, are in an amount that at least meets the total amount of funds appropriated and allocated in the previous fiscal year's budget.

Under the act, DMHAS must make fund disbursements in a way that is consistent with any limitations a controlling court order sets on using litigation proceeds. If the court order allows expenditures that are different or more than the act authorizes, DMHAS must adhere to the act's limitations on using the funds. Conversely, if the act permits expenditures that are different or more than the controlling court order authorizes, DMHAS must adhere to the order's limitations.

Supplemental Funds

Under the act, fund disbursements do not replace any other funds that would have been used for the same purposes (e.g., insurance benefits or governmental funding). Instead, they are additional ("supplemental") funds to ensure that the current fiscal year funding exceeds the total of federal, state, and local funds allocated in the previous fiscal year for substance use disorder abatement, infrastructure, program, service, support, or resource.

§§ 3 & 5 — OPIOID SETTLEMENT FUND ADVISORY COMMITTEE

Purpose

The act establishes a 37-member Opioid Settlement Advisory Committee to ensure (1) proceeds received by the state are allocated and spent on the substance use disorder abatement purposes described above and (2) robust public involvement, accountability, and transparency in allocating and accounting for the fund's moneys.

Membership

Under the act, the advisory committee consists of the following 31 government officials:
1. the OPM secretary and attorney general, or their designees;
2. the commissioners of children and families, mental health and addiction services, and public health, or their designees, who serve as ex-officio members;
3. the top six legislative leaders and the Appropriations Committee chairpersons, or their designees, as long as the designees have experience living with a substance use disorder or have a family member with such a disorder;
4. 17 municipal representatives, appointed by the governor; and
5. the Commission on Racial Equity in Public Health executive director, or a commission representative the executive director designates.

Additionally, the DMHAS commissioner must appoint the following six members:

1. one provider each of community-based substance use disorder treatment services for adults and adolescents, who are nonvoting members;
2. one licensed addiction medicine health care professional with prescriptive authority (e.g., physician, physician assistant, or advanced practice registered nurse) who is a nonvoting member; and
3. three individuals with experience living with a substance use disorder or who are family members of individuals with a substance use disorder.

Conflicts of Interest

Regardless of state law, the act specifies that it is not a conflict of interest for a trustee, director, officer, or employee of an organization, or any person having a financial interest in the organization to serve as an advisory committee member. But to do so, the individual must (1) disclose his or her position or interest to all other advisory committee members and (2) abstain from any advisory committee deliberation, action, or vote that specifically concerns the organization.

Appointments and Leadership

Under the act, the committee co-chairpersons are the DMHAS commissioner and a member representing municipalities selected by the House speaker and Senate president pro tempore. The co-chairpersons are nonvoting members.

The act requires initial committee appointments to be made by October 1, 2022. Committee members, except ex-officio members, serve two-year terms and cannot serve more than two consecutive terms. Members may serve until a successor's appointment, except when a vacancy occurs, in which case the appointing authority must fill the vacancy for the rest of the term.

Under the act, an appointing authority may remove an advisory committee member for misfeasance, malfeasance, or willful neglect of duty.

Meetings

The act requires the advisory committee to hold quarterly public meetings, which may be called by the chairperson or a majority of its members. Members may attend meetings (1) in person, (2) remotely by audiovisual means, or (3) by audio-only means if the chairperson approves it.

A majority of the advisory committee's members constitutes a quorum for transacting business. If there is a quorum, all advisory committee actions must be taken by an affirmative vote of the members present and each voting member has one vote.

Under the act, the advisory committee ends when all settlement money is received and disbursed, unless the attorney general certifies that the state expects to receive additional money.

Duties

Under the act, the advisory committee must:

1. recommend and approve policies and procedures for its administration and criteria for applying, awarding, and disbursing moneys from the Opioid Settlement Fund and
2. approve fund allocations.

Additionally, the advisory committee must recommend and approve goals and objectives, including their rationale, sustainability plans, and performance indicators related to:

1. substance use disorder prevention, treatment, recovery, and harm reduction efforts, including methods of engaging people who use harm reduction services in treatment and recovery;
2. reducing disparities in accessing prevention, treatment, recovery, and harm reduction programs, services, supports, and resources; and
3. improving health outcomes in traditionally underserved populations, including those who live in rural or tribal communities, are members of ethnic minorities, or were incarcerated.

DMHAS Responsibilities

The act requires DMHAS, regardless of the state's dual job ban for General Assembly members, to employ a full-time advisory committee manager and provide public health research and policy expertise, support staff, facilities, technical

assistance, and other resources to:

1. help the advisory committee manager plan and support the committee's functions, including ensuring that the state's opioid-related proceeds are allocated and spent according to the act's requirements, and
2. ensure robust public involvement, accountability, and transparency in allocating and accounting for the fund's money.

Additionally, the act requires DMHAS to:

1. use, where feasible, General Fund appropriations and existing infrastructure, programs, services, supports, and other resources to address substance use disorders, overdoses, and drug-related harms;
2. prepare for the advisory committee's review and approval, the department's goals and objectives and their rationale, sustainability plans, and performance indicators on (a) substance use disorder prevention, treatment, recovery, and harm reduction efforts, including methods of engaging people who use harm reduction services in treatment and recovery, and (b) reducing disparities in accessing prevention, treatment, recovery, and harm reduction programs, services, supports, and resources;
3. evaluate applications and make recommendations to the advisory committee for awarding contracts and fund disbursements for expenditures allowed under the act;
4. disburse moneys, after receiving the advisory committee's final approval;
5. approve the suspension of fund allocations to recipients the advisory committee or DMHAS commissioner finds (a) are substantially out of compliance with applicable contracts, policies, procedures, rules, regulations, or state or federal law or (b) used their disbursements for purposes other than those approved under the act (but allocations may be subsequently approved once the committee determines that the recipient adequately remedied the cause of the suspension);
6. maintain oversight of the fund's expenditures to ensure they are only used for the purposes specified in the act, including implementing procedures for evaluating the effectiveness of the infrastructure, programs, services, supports, or resources funded by the disbursements; and
7. implement and publish on its website the policies and procedures for (a) administering the advisory committee and (b) applying, awarding, and disbursing moneys from the fund.

Website

The act requires DMHAS to create and maintain a website where the advisory committee must publish (1) meeting minutes, including records of all votes to approve fund expenditures; (2) recipient agreements and annual reports on fund recipients (see Fund Recipient Annual Report, below); (3) policies and procedures the advisory committee approves; and (4) its annual reports.

Annual Report

The act requires the advisory committee, starting by January 15, 2023, to annually report to the Appropriations and Public Health committees on the following:

1. the fund's opening and closing balance for the most recent fiscal year;
2. an accounting of all fund expenditures and credits;
3. an inventory of fund investments as of the most recent fiscal year, and the net income the fund earned for the most recent fiscal year, as determined by the state treasurer;
4. the name and description of each fund recipient as well as the award amount;
5. a description of each award's intended use, including the (a) specific program, service, or resource funded; (b) population served; and (c) measures the recipient will use to assess the award's impact;
6. the primary criteria used to determine each recipient and its award amount;
7. a summary of information included in the recipient annual reports (see Fund Recipient Annual Report, below);
8. all award applications received during the most recent fiscal year;
9. a description of any finding or concern about whether all fund disbursements, other than expenses the act authorizes, supplemented, and did not supplant or replace, any current or future local, state, or federal government funding;
10. the performance indicators and progress toward achieving DMHAS's goals and objectives, including metrics on improving outcomes and reducing mortality and other harms related to substance use disorders;
11. for the most recent fiscal year, the dollar amount and percentage of the fund balance incurred for (a) the fund's and advisory committee's administrative expenses and staffing and (b) the fund's expenses for managing, investing, and disbursing fund monies; and

12. an explanation of any funds certified by the DMHAS commissioner and attorney general as inconsistent with the act's intent and the account or fund where they were deposited.

The act also requires the DMHAS commissioner to post the annual report on the department's website.

§ 3 — FUND RECIPIENT ANNUAL REPORT

The act requires fund recipients, starting by October 1, 2023, to file with the advisory committee an annual report for the prior fiscal year that details the effectiveness of funded infrastructure, programs, services, supports, or resources, including:

1. how the recipient used the funds for their intended purposes;
2. de-identified information on the number of individuals served, delineated by race, age, gender, and any other relevant demographic factors;
3. a specific analysis of whether the infrastructure, program, service, support, or resources reduced mortality or improved prevention, treatment, harm reduction, or recovery outcomes; and
4. a summary of any plan to ensure the sustainability of the funded infrastructure program, service, support, or resources, if the plan exists.

§ 6 — TRUST FOR SURVIVORS AND VICTIMS

The act specifies that its provisions do not preclude the state from funding a trust to provide direct support and services to survivors and victims of the opioid epidemic, and their family members who have been directly impacted by it, in keeping with the March 11, 2022, settlement agreement with Purdue Pharma and the Sackler family (see BACKGROUND).

BACKGROUND

Opioid Settlement Agreement

Connecticut is part of a recently approved $26 billion multistate opioid settlement agreement with the following prescription drug manufacturers: AmerisourceBergen, Cardinal, McKesson, and Johnson & Johnson. All states and U.S. territories have signed on to the agreement and in Connecticut, all municipalities have joined.

The state is expected to receive approximately $300 million over 18 years. (Municipalities will receive 15% of the state's allocation.) The settlement agreement requires funds to be used for opioid abatement, including expanding access to opioid use disorder prevention, intervention, treatment, and recovery.

Opioid Survivors Trust

In March 2022, Connecticut, along with eight other states and the District of Columbia, reached a $6 billion opioid settlement agreement with Purdue Pharma and the Sackler family. The state is expected to receive approximately $95 million over 18 years and is authorized to use a portion of the funds to establish an Opioid Survivors Trust to directly assist opioid epidemic survivors and victims.

PA 22-49—HB 5045
Public Health Committee
Appropriations Committee

AN ACT REDUCING LEAD POISONING

SUMMARY: This act generally lowers the threshold for blood lead levels in individuals at which the Department of Public Health (DPH) and local health departments must take certain actions. Principally, it:

1. lowers, from 10 to 3.5 micrograms per deciliter (µg/dL), the threshold at which licensed health care institutions and clinical laboratories must report lead poisoning cases to DPH and local health departments;
2. lowers, from 5 to 3.5 µg/dL, the threshold at which local health directors must inform parents or guardians about (a) a child's potential eligibility for the state's Birth-to-Three program and (b) lead poisoning dangers, ways to reduce risk, and lead abatement laws;
3. incrementally lowers, from 20 to 5 µg/dL, the threshold for local health departments to conduct epidemiological

investigations of the source of a person's lead poisoning; and

4. incrementally lowers, from 20 to 5 µg/dL, the threshold at which local health directors must conduct on-site inspections and remediation for children with lead poisoning until December 31, 2024.

Additionally, the act requires primary care providers to conduct annual lead testing for children ages 36 to 72 months whom DPH determines to be at higher risk of lead exposure based on certain factors.

It also requires the Department of Social Services (DSS) commissioner to seek federal approval to amend the state Medicaid plan to add services needed to address the health impacts of high childhood blood lead levels in Medicaid-eligible children.

Lastly, the act requires the DPH commissioner to convene a working group to recommend necessary legislative changes on various lead poisoning prevention and treatment issues. The commissioner must report the working group's recommendations to the Appropriations, Education, and Public Health committees by December 1, 2022.

The act also makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2023, except the lead poisoning prevention and treatment working group provision is effective upon passage.

LEAD POISONING PREVENTION AND ABATEMENT

Reporting Blood Lead Levels (§ 1)

By law, licensed health care institutions and clinical laboratories must report a person with blood lead levels that meet a specified threshold to DPH, local health departments, and the heath care provider who ordered the testing. The act lowers the threshold amount from 10 to 3.5 µg/dL.

Providing Information to Affected Parents and Guardians (§ 1)

By law, local health directors must inform parents or guardians about (1) a child's potential eligibility for the state's Birth-to-Three program and (2) lead poisoning dangers, ways to reduce risks, and lead abatement laws. Under prior law, directors had to provide the information:

1. after receiving a report from a clinical laboratory or health care institution that a child has been tested with a blood lead level of at least 10 µg/dL, or any other abnormal body lead level, or
2. when a child is known to have a confirmed venous blood lead level of at least 5 µg/dL.

The act lowers these threshold amounts to 3.5 µg/dL.

Existing law, unchanged by the act, requires the local health director to provide the information to the parent or guardian only once, after the director receives the initial report.

On-Site Inspections and Remediation (§ 1)

Prior law required local health directors to conduct on-site inspections and remediation for children with lead poisoning if:

1. one percent or more of Connecticut children under age six had reported blood levels of at least 10 µg/dL (directors had to take these actions for children who met this threshold in two tests taken at least two months apart) or
2. a child had a confirmed venous blood level of 15 to 20 µg/dL in two tests taken at least three months apart.

The act eliminates the first requirement and lowers the threshold for the second requirement to between (1) 10 and 15 ug/dL before January 1, 2024, and (2) 5 and 10 ug/dL from January 1, 2024, to December 31, 2024. (It appears that these inspections and remediation stop after this date, but the required epidemiological investigation and related actions continue; see below.)

Epidemiological Investigations (§ 2)

By law, if a local health director receives a report that a person's blood lead level exceeds a certain threshold, the director must conduct an epidemiological investigation of the lead source. The act lowers the threshold amount as follows:

1. from 20 to 15 µg/dL from January 1, 2023, to December 31, 2023;
2. from 15 to 10 µg/dL from January 1, 2024, to December 31, 2024; and
3. from 10 to 5 µg/dL starting January 1, 2025.

Existing law, unchanged by the act, requires the director to then act to prevent further lead poisoning, including by ordering abatement and trying to find temporary housing for residents when the lead hazard cannot be removed from their dwelling within a reasonable time.

The act specifies that the law does not prohibit a local health director from conducting an epidemiological investigation in cases of blood lead levels lower than the minimum amounts listed above.

Primary Care Provider Testing (§ 3)

The act requires primary care providers who provide pediatric care, other than hospital emergency departments, to conduct annual lead testing for children ages 36 to 72 months whom DPH determines to be at an elevated risk of lead exposure based on their enrollment in HUSKY or residence in a municipality with an elevated lead exposure risk. Under the act, DPH determines higher-risk municipalities based on factors such as the prevalence of (1) housing built before January 1, 1960, or (2) children with blood lead levels greater than 5 ug/dL.

Existing law, unchanged by the act, already requires primary care providers to perform lead testing on (1) all children ages nine to 35 months, in accordance with the Advisory Committee on Childhood Lead Poisoning Prevention recommendations, (2) all children ages 36 to 72 months who have never been screened, and (3) any child under 72 months if the provider determines it is clinically indicated under the advisory committee's recommendations.

§ 4 — MEDICAID STATE PLAN AMENDMENT

The act requires the DSS commissioner to seek federal authority to amend the state Medicaid plan to add services she determines are necessary and appropriate to address the health impacts of high childhood blood lead levels in those eligible for Medicaid. She must do this within available appropriations and to the extent federal law allows.

Under the act, these additional services may include case management, lead remediation, follow-up screenings, referrals to other available services, and other Medicaid-covered services the commissioner deems necessary.

In determining which services to add to the Medicaid program, the act requires the commissioner to coordinate them with the services already covered under the program.

§ 5 — LEAD POISONING PREVENTION AND TREATMENT WORKING GROUP

The act requires the DPH commissioner to convene a working group to recommend necessary legislative changes on the following:

1. lead screening for pregnant women or those planning pregnancy,
2. lead in schools and child care centers,
3. reporting lead test results or lead screening assessments to schools and child care centers in health assessments for new students,
4. reporting additional data from blood lead test laboratories and providers to DPH, and
5. any other lead poisoning prevention and treatment matters.

Members

Under the act, the working group's members include the DPH and DSS commissioners and the Office of Policy and Management secretary, or their designees. It also includes the following members appointed by the DPH commissioner:

1. at least four individuals who are (a) medical professionals providing pediatric health care, (b) active in the public health and lead prevention field, or (c) from a community disproportionately impacted by lead;
2. two representatives of an association of health directors in the state;
3. one representative of a conference of municipalities in the state; and
4. one representative of a council of small towns in the state.

The act requires the DPH commissioner to make her appointments by June 22, 2022 (i.e., within 30 days of the act's passage). When doing so, she must use her best efforts to select members who reflect the racial, gender, and geographic diversity of the state's population.

Report

The act requires the DPH commissioner to report to the Appropriations, Education, and Public Health committees on the working group's recommendations by December 1, 2022. The working group terminates when the commissioner

submits the report.

BACKGROUND

Federal Centers for Disease Control and Prevention (CDC) Recommendation

In October 2021, the CDC updated its recommendations on children's blood lead levels, defining 3.5 µg/dL, instead of 5 µg/dL, as an elevated blood lead level.

Related Act

PA 22-118 (§§ 149-153) contains the same provisions on lead poisoning prevention and treatment.

PA 22-58—sHB 5500
Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

TABLE OF CONTENTS:

Allows a registered nurse to delegate certain medication administration to home health aides and hospice aides who obtain certification from DCF or DDS, in addition to those certified by DPH as under existing law; requires more frequent certification for home health and hospice aides

§§ 14, 16, 17 & 55 — SCOPE OF PRACTICE REVIEW

Reduces, by two weeks, the timeframe for certain steps of DPH's scope of practice review process for health care professions; requires DPH to (1) establish a scope of practice review committee to determine whether it should regulate midwives who are ineligible for nurse-midwife licensure and (2) report its findings to the Public Health Committee

§ 15 — STATE BOARD OF EXAMINERS FOR NURSING

Expands the duties of the State Board of Examiners for Nursing; requires DPH, instead of the board, to post a list of all approved nursing education programs for registered nurses and licensed practical nurses; eliminates a requirement that DPH adopt regulations on adult education practical nursing training programs offered in high schools

§ 18 — CONTINUING EDUCATION (CE) FOR OPTOMETRISTS

Explicitly allows online CE classes; increases, from six to 10, the number of CE credit hours that can be earned without attending in-person

§§ 19 & 20 — MINOR AND TECHNICAL CHANGES

Makes technical changes to statutory provisions on (1) outpatient mental health treatment provided to minors without parental consent and (2) physician assistant licensure

§ 21 — EMERGENCY MEDICAL SERVICES (EMS) ADVISORY BOARD REPORT

Changes, from December 31 to June 1, the date by which the DPH commissioner must annually report to the Emergency Medical Services Advisory Board about specified information on EMS calls; delays the date the next report is due until June 1, 2023

§ 22 — AUTHORIZED EMERGENCY VEHICLES

Expands the statutory definition of "authorized emergency vehicle" to include all authorized EMS vehicles, instead of only ambulances as under prior law

§§ 31 & 32 — ONLINE PAYMENTS FOR VITAL RECORDS

Specifies DPH must approve any locally allowed online payment methods

§ 33 — STATE FOOD CODE

Generally exempts certain owner-occupied bed and breakfast establishments and noncommercial functions from the state's model food code requirements

§ 34 — TECHNICAL CHANGE

Corrects a reference to statutes on the Clean Water Fund

§ 35 — CONTINUING EDUCATION FOR PSYCHOLOGISTS

Establishes minimum and maximum amounts of CE earned online

§ 36 — SOCIAL WORKER MINIMUM STAFFING REQUIREMENTS IN NURSING HOMES

Specifies that existing law's minimum social worker staffing requirement in nursing homes of one social worker per 60 residents is a number of hours that must vary proportionally, based on the number of residents in the home; allows the DPH commissioner to implement policies and procedures while adopting minimum staffing requirements in regulation

§§ 37 & 38 — STATEWIDE HEALTH INFORMATION EXCHANGE

Allows the Office of Health Strategy executive director to implement policies and procedures while adopting regulations to (1) administer the Statewide Health Information Exchange and (2) require certain health care institutions and providers to connect to and participate in the exchange

§ 40 — DOULA ADVISORY COMMITTEE

Requires DPH, within available resources, to establish an 18-member Doula Advisory Committee to develop recommendations on (1) doula certification requirements and (2) standards for recognizing training programs that meet the certification requirements

§ 41 — SAFE HARBOR LEGISLATION

Requires the DPH commissioner to (1) study whether the state should adopt "safe harbor" legislation allowing certain unlicensed practitioners to provide alternative health care services and (2) report to the Public Health Committee by January 1, 2023

§ 46 — INVOLUNTARY TRANSFERS OF RESIDENTIAL CARE HOME RESIDENTS

Modifies requirements for the involuntary discharge of residential care home residents to allow RCHs to qualify as Medicaid home- and community-based settings

§§ 47 & 78 — MEDICAL ASSISTANTS ADMINISTERING VACCINES

Allows clinical medical assistants meeting specified certification, education, and training requirements to administer vaccines in any setting other than a hospital if acting under the supervision, control, and responsibility of a physician, PA, or APRN

§ 48 — RARE DISEASE ADVISORY COUNCIL

Establishes a 13-member Connecticut Rare Disease Advisory Council to advise and make recommendations to DPH and other state agencies on the needs of residents living with rare diseases and their caregivers

§ 49 — CHRONIC KIDNEY DISEASE ADVISORY COMMITTEE

Removes from the advisory committee the Public Health Committee chairpersons and ranking members and four members they appoint; extends by one year, until January 1, 2024, the date by which the advisory committee must begin annually reporting to the Public Health Committee

§ 50 — HOSPITAL COMMUNITY BENEFIT PROGRAMS

Makes various changes to the law on hospital community benefit programs, such as requiring hospitals to submit various documents to OHS on a specified schedule and requiring OHS to make the state's all-payer claims database available to hospitals to help in this process

§ 51 — NON-DISCRIMINATION FOR TRANSPLANTS BASED ON DISABILITY

Generally prohibits deeming someone ineligible to receive an anatomical gift, or organ from a living donor, for transplantation solely because of the person's physical, mental, or intellectual disability

§ 52 — INFECTION PREVENTION AND CONTROL SPECIALISTS

Makes various changes in requirements for infection prevention and control specialists at nursing homes and dementia special care units, such as (1) limiting the requirement that they employ a full-time specialist to only those facilities with more than 60 residents and (2) allowing these specialists to provide services at both a nursing home and dementia special care unit or at two nursing homes in some circumstances, with DPH approval

§§ 53 & 54 — ELDERLY HOUSING COMPLEXES AND ASSISTED LIVING

Allows elderly housing complexes funded and assisted through HUD's Assisted Living Conversion Program, and that intend to arrange for assisted living services, to do so with a currently licensed assisted living services agency, exempting them from having to register as a managed residential community

§§ 56-58 — DISPOSITION OF UNCLAIMED BODIES

Allows the Office of the Chief Medical Examiner to take custody and coordinate the disposition of an unclaimed body; requires the funeral director who handles the disposition to contact the social services commissioner for reimbursement of related expenses

§ 59 — COMMISSION ON MEDICOLEGAL INVESTIGATIONS

Removes the requirement that the governor appoint certain members of the Commission on Medicolegal Investigations from a panel recommended by the state's medical and law school deans

§ 60 — PRIVATE AND SEMIPUBLIC WELLS

Starting October 1, 2022, requires property owners to test the water quality of their newly constructed private or semipublic wells; requires clinical laboratories to report water quality test results conducted on wells to DPH and local health departments; requires prospective homebuyers and renters to be given educational materials on well testing; expands the list of contaminants local health departments can test wells for when they suspect groundwater contamination

§ 61 — EMS ORGANIZATIONS ADDING NEW VEHICLES

Allows commercial EMS organizations, not just other EMS organizations, who are primary service area responders to add one vehicle to their fleet every three years without necessarily completing the standard hearing process

§ 62 — LEGIONELLA WORKING GROUP

Requires the DPH commissioner to (1) convene a working group on legionella prevention and mitigation in hospitals, nursing homes, and other health care facilities and (2) report to the Public Health Committee on the working group's findings and recommendations

§ 63 — POLYSOMNOGRAPHIC TECHNOLOGISTS

Authorizes polysomnographic (i.e., sleep) technologists to perform certain oxygen-related patient care activities in hospitals just as existing law allows for designated licensed health care providers and certified ultrasound or nuclear medicine technologists

§§ 64-66 — SUICIDE ADVISORY BOARD

Renames and expands the scope of DCF's Youth Suicide Advisory Board, revises its membership and procedures, and specifically allows physicians' continuing medical education in behavioral health to include suicide prevention training

§ 67 — SURGICAL SMOKE EVACUATION POLICIES

Requires each licensed hospital and outpatient surgical facility to develop and implement a policy for using a surgical smoke evacuation system to prevent exposure to surgical smoke

§§ 68 & 69 — HIV TESTING

Generally requires primary care providers and hospital emergency departments to offer HIV testing to patients age 13 or older; requires hospitals to adopt related protocols

§ 70 — PLASMAPHERESIS, CLINICAL LABORATORIES, AND BLOOD DONATION CENTERS

Requires the DPH commissioner to review statutes and regulations on, or otherwise impacting, the practice of plasmapheresis, clinical laboratories, and blood donation centers in the state and report her findings and recommendations to the legislature

§§ 71 & 72 — MANDATED ELDER ABUSE REPORTER TRAINING

Modifies provisions in PA 22-57, extending until June 30, 2023, the date by which mandated elder abuse reporters must generally complete the DSS elder abuse training program or another DSS-approved program

§ 73 — TECHNICAL STANDARDS FOR MEDICAL DIAGNOSTIC EQUIPMENT

Requires health care facilities to consider certain federal technical standards for accessibility of medical diagnostic equipment when purchasing this equipment

§ 74 — ASSISTED LIVING SERVICES AGENCIES TASK FORCE

Establishes a task force to study the regulation and staffing levels of assisted living services agencies that provide services as dementia special care units or programs; requires it to report its findings and recommendations to the Public Health Committee

§ 75 — MATERNAL MORTALITY REVIEW COMMITTEE EDUCATIONAL MATERIALS

Requires DPH's Maternal Mortality Review Committee to develop educational materials on intimate partner violence and pregnant and postpartum persons with mental health disorders, which DPH must distribute to specified hospitals and health care providers

§ 76 — BIRTHING HOSPITALS PATIENT EDUCATIONAL MATERIALS

Requires birthing hospitals to provide (1) caesarean section patients with written information on the importance of mobility following the procedure and (2) postpartum patients certain educational materials and establish a patient portal for them to virtually access any educational materials and information provided to the patients during their stay or discharge

§ 77 — DESIGNATING MATERNAL MENTAL HEALTH MONTH AND DAY

Designates the month of May as "Maternal Mental Health Month" and each May 5 as "Maternal Mental Health Day"

SUMMARY: This act makes various substantive, minor, and technical changes in DPH-related statutes and programs.
EFFECTIVE DATE: Various; see below.

§§ 1-8 — CHRONIC DISEASE HOSPITALS

Adds a definition for "chronic disease hospital" in the statute on health care institution licensure; makes related technical and conforming changes to various public health statutes

The act adds a statutory definition for "chronic disease hospital" in the statute on health care institution licensure. Under the act, as under existing law, these hospitals are long-term hospitals that have facilities, medical staff, and all personnel necessary to diagnose, treat, and care for chronic diseases.

The act also makes related technical and conforming changes in various public health statutes.
EFFECTIVE DATE: October 1, 2022

§§ 1, 23-30 & 39 — CLINICAL LABORATORIES

Adds clinical laboratories to the statutory definition of "health care institution" to reflect current practice; allows the DPH commissioner to waive regulations for these laboratories under limited conditions

Definition

The act adds clinical laboratories to the statutory definition of "health care institution." In doing so, it extends to these laboratories statutory requirements for health care institutions about, among other things, DPH licensure, inspection, and complaint investigation requirements. (In practice, clinical laboratories are already subject to state and federal regulation.)

As under existing law, the act defines a "clinical laboratory" as a facility or other area used for microbiological, serological, chemical, hematological, immuno-hematological, biophysical, cytological, pathological, or other examinations of human bodily fluids, secretions, excretions, or excised or exfoliated tissues. The examinations must be used to provide information for (1) diagnosing, preventing, or treating a human disease or impairment; (2) assessing human health; or (3) assessing the presence of drugs, poisons, or other toxicological substances.

The act also makes related technical and conforming changes in various public health statutes.

Waivers

Additionally, the act allows the DPH commissioner to (1) waive regulations affecting clinical laboratories if she determines that doing so would not endanger a patient's health, safety, or welfare; (2) impose waiver conditions assuring patients' health, safety, and welfare; and (3) revoke the waiver if she finds that someone's health, safety, or welfare has been jeopardized.

Existing law already allows the commissioner to grant waivers for other health care institutions under these same conditions. Under existing law and the act, she cannot grant a waiver that would result in a violation of the state fire safety or building code.

EFFECTIVE DATE: October 1, 2022, except provisions on waivers are effective upon passage.

§§ 1 & 42-45 — ALCOHOL OR DRUG TREATMENT FACILITIES

Replaces the term "alcohol or drug treatment facility" with "behavioral health facility" in several statutes to reflect current practice

The act removes the statutory definition for "alcohol or drug treatment facility" and replaces this term with "behavioral health facility" in several statutes (under current practice, these facilities are licensed and regulated as behavioral health facilities).

EFFECTIVE DATE: October 1, 2022

§ 6 — CENTRAL SERVICE TECHNICIANS

Allows central service technicians to obtain certification as a registered CST from a successor organization to the International Association of Healthcare Central Service Material Management

Existing law generally requires anyone who practices as a central service technician (CST) to, among other things, be certified as either a (1) sterile processing and distribution technician by the Certification Board for Sterile Processing and Distribution, Inc. or (2) registered CST by the International Association of Healthcare Central Service Material Management (IAHCSMM).

For the latter, the act allows CSTs to also obtain certification from a successor organization to IAHCSMM (the organization is currently changing its name).

By law, CSTs decontaminate, prepare, package, sterilize, store, and distribute reusable medical instruments or devices in a hospital or outpatient surgical facility, either as an employee or under contract.

EFFECTIVE DATE: October 1, 2022

§ 9 — ALBERT J. SOLNIT CHILDREN'S CENTER

Makes a technical change to specify that Albert J. Solnit Children's Center and its psychiatric residential treatment facility units are not exempt from DPH licensure

Existing law exempts from DPH licensure Department of Children and Families (DCF)-licensed (1) substance abuse treatment facilities and (2) maternity homes that offer care to pregnant women, new mothers, and their newborns.

The act specifies that this exemption does not apply to Albert J. Solnit Children's Center and its psychiatric residential treatment facility units ("South Campus") (existing law requires that DPH license these facilities).

EFFECTIVE DATE: Upon passage

§ 10 — STRIKE CONTINGENCY PLANS

Requires health care institutions, when notified that their employees intend to strike, to include a staffing plan as part of the strike contingency plan they must file with DPH; requires ICF-IIDs, when submitting strike contingency plans, to submit the same information as nursing homes

By law, a licensed health care institution must file a strike contingency plan with the DPH commissioner if a labor organization notifies the institution of its employees' intention to strike.

The act requires each institution's contingency plan to include its staffing plan for at least the first three days of the strike. This must include the names and titles of the people who will provide services at the institution. Existing regulations already require similar information for certain types of institutions, such as nursing homes and residential care homes (Conn. Agencies Reg., § 19a-497-1).

Under existing law, these institutions must submit their strike contingency plans no later than five days before the date indicated for the strike.

The act also requires licensed, Medicaid-certified intermediate care facilities for individuals with intellectual disabilities (ICF-IIDs), when submitting strike contingency plans, to submit the same information as required of nursing homes.

EFFECTIVE DATE: July 1, 2022

§ 11 — NURSING HOME ADMINISTRATOR CONTINUING EDUCATION

Adds infection prevention and control to the mandatory topics for nursing home administrators' continuing education

The act adds infection prevention and control to the mandatory topics for nursing home administrators' continuing education. It makes a corresponding change by adding courses offered or approved by the Association for Professionals in Infection Control and Epidemiology to those that meet continuing education requirements for nursing home administrators.

By law, nursing home administrators must complete at least 40 hours of continuing education every two years, starting with their second license renewal. Existing law requires that the education include training in Alzheimer's disease and dementia symptoms and care.

EFFECTIVE DATE: Upon passage

§§ 12 & 13 — MEDICATION ADMINISTRATION BY UNLICENSED PERSONNEL

Allows a registered nurse to delegate certain medication administration to home health aides and hospice aides who obtain certification from DCF or DDS, in addition to those certified by DPH as under existing law; requires more frequent certification for home health and hospice aides

The act allows a registered nurse (RN) to delegate the administration of non-injected medications to home health aides and hospice aides who are currently certified by DCF or the Department of Developmental Services (DDS), in addition to those certified by DPH as under existing law.

The act also requires these unlicensed personnel to renew their certifications every two years instead of every three years, as under prior law.

Under existing law, unchanged by the act, RNs cannot delegate medication administration to these unlicensed personnel if a prescribing practitioner requires a medication to be administered only by a licensed nurse. Also, residential care homes that admit residents requiring medication administration assistance must employ enough unlicensed personnel certified by DPH, DCF, or DDS to perform this function.

The act also makes related technical and conforming changes to provisions requiring DPH to adopt regulations to carry out the medication administration delegation provisions.

EFFECTIVE DATE: October 1, 2022

§§ 14, 16, 17 & 55 — SCOPE OF PRACTICE REVIEW

Reduces, by two weeks, the timeframe for certain steps of DPH's scope of practice review process for health care professions; requires DPH to (1) establish a scope of practice review committee to determine whether it should regulate midwives who are ineligible for nurse-midwife licensure and (2) report its findings to the Public Health Committee

Existing law establishes 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. Within available appropriations, DPH appoints members to scope of practice review committees (see *Background*, below).

The act moves up deadlines for certain steps in this process as shown in the table below.

Scope of Practice Review Step Deadlines

Scope of Practice Review Step	*Deadline Under Prior Law*	*Deadline Under the Act*
DPH must notify the Public Health Committee and post online any scope of practice request it receives	September 15	September 1
Representatives of health care professions directly impacted by a submitted scope of practice request may submit an impact statement to DPH and provide a copy to the requestor	October 1	September 15
Requestor must submit a written response to an impact statement to DPH and the entity that provided the statement	October 15	October 1
DPH commissioner must establish and appoint members to a scope of practice review committee	November 1	October 15

Prior law required the DPH commissioner to establish and appoint members to scope of practice review committees for each timely request the department receives. The act instead requires the commissioner, by October 15 each year, to select requests the department will act on from among the timely requests received and establish the review committee only for those requests.

Additionally, the act requires, rather than allows, any person or entity acting on behalf of a health care profession seeking a new or amended scope of practice to submit a written scope of practice request to DPH by August 15 of the year preceding the start of the next legislative session.

The act also makes related conforming changes.

Midwife Scope of Practice Review

Additionally, the act requires the DPH commissioner to conduct a scope of practice review, under the existing process for scope of practice review committees, to determine whether DPH should regulate midwives who are ineligible for nurse-midwife licensure. The commissioner must report her findings and recommendations to the Public Health Committee by February 1, 2023.

EFFECTIVE DATE: Upon passage

Background — Scope of Practice Review Committees

By law, DPH must appoint members to scope of practice review committees to evaluate scope of practice requests from representatives of health care professions. The committees consist of (1) the DPH commissioner or her designee (who serves as the committee chairperson and in a non-voting capacity), (2) two members representing the profession making the request, and (3) two members recommended by each person or entity that submitted a written impact statement to represent the professions directly impacted by the request. DPH may also appoint additional members representing health care professions with a close relationship to the underlying scope of practice request (CGS § 19a-16e).

§ 15 — STATE BOARD OF EXAMINERS FOR NURSING

Expands the duties of the State Board of Examiners for Nursing; requires DPH, instead of the board, to post a list of all approved nursing education programs for registered nurses and licensed practical nurses; eliminates a requirement that DPH adopt regulations on adult education practical nursing training programs offered in high schools

The act codifies current practice by expanding the duties of the State Board of Examiners for Nursing to explicitly include (1) approving nursing schools in the state that prepare individuals for state licensure and (2) where possible, consulting with nationally recognized accrediting agencies when doing so.

The act also requires DPH, instead of the board, to post on the department's website a list of all approved nursing education programs for registered nurses and licensed practical nurses.

Additionally, the act eliminates the requirement that DPH adopt regulations on adult education practical nursing training programs offered in high schools or through the Technical Education and Career System (i.e., technical high

schools) for students without a high school diploma (in practice, these programs have all closed).
EFFECTIVE DATE: Upon passage

§ 18 — CONTINUING EDUCATION (CE) FOR OPTOMETRISTS

Explicitly allows online CE classes; increases, from six to 10, the number of CE credit hours that can be earned without attending in-person

By law, optometrists must earn at least 20 hours of CE during each annual registration period. Prior law allowed up to six CE hours to be earned through a home study or distance learning program. The act specifies that online education is an acceptable way to earn CE credit.

The act increases to 10 hours the amount of CE credit that optometrists may earn through courses that are not in-person. But it limits to (1) five hours the amount of CE credit that may be earned through asynchronous online education, distance learning, or home study programs and (2) 10 hours the amount of CE credit that may be earned though synchronous online education that includes opportunities for live instruction.

Under the act, "synchronous online education" is a live, online class conducted in real time. "Asynchronous online education" is a program in which (1) the instructor, learner, and other participants are not engaged in the learning process at the same time; (2) there is no real-time interaction between participants and instructors; and (3) the educational content is created and made available for later consumption.
EFFECTIVE DATE: Upon passage

§§ 19 & 20 — MINOR AND TECHNICAL CHANGES

Makes technical changes to statutory provisions on (1) outpatient mental health treatment provided to minors without parental consent and (2) physician assistant licensure

Prior law required physician assistants to receive at least two hours of training every six years in post-traumatic stress disorder, suicide risk, depression, grief, and suicide prevention administered by the American Association of Physician Assistants. The act instead requires it to be administered by the American Academy of Physician Associates and any successor organization to the academy.

The act also makes technical changes to statutory provisions on (1) providing outpatient mental health treatment to minors without parental consent and (2) other physician assistant licensure requirements.
EFFECTIVE DATE: Upon passage

§ 21 — EMERGENCY MEDICAL SERVICES (EMS) ADVISORY BOARD REPORT

Changes, from December 31 to June 1, the date by which the DPH commissioner must annually report to the Emergency Medical Services Advisory Board about specified information on EMS calls; delays the date the next report is due until June 1, 2023

The act changes, from December 31 to June 1, the date by which the DPH commissioner must annually report to the EMS Advisory Board. It also delays the date the next report is due until June 1, 2023.

By law, the report must include the number of EMS calls received during the year; response times; level of EMS required; names of EMS providers responding; and the number of passed, cancelled, and mutual aid calls.
EFFECTIVE DATE: Upon passage

§ 22 — AUTHORIZED EMERGENCY VEHICLES

Expands the statutory definition of "authorized emergency vehicle" to include all authorized EMS vehicles, instead of only ambulances as under prior law

The act broadens the statutory definition of "authorized emergency vehicle" as used in the laws establishing those vehicles' rights and motorists' responsibilities with respect to them (e.g., generally, these vehicle drivers may exceed posted speed limits, and motorists must pull to the right when the vehicle is using its sirens or lights).

The act expands the definition to include all authorized emergency medical services vehicles, instead of only ambulances as under prior law. In doing so, it includes invalid coaches, advanced emergency technician-staffed intercept

vehicles, and paramedic-staffed intercept vehicles licensed or certified by DPH to provide emergency medical care.

Under existing law, unchanged by the act, authorized emergency vehicles also include fire and police department vehicles.

EFFECTIVE DATE: Upon passage

§§ 31 & 32 — ONLINE PAYMENTS FOR VITAL RECORDS

Specifies DPH must approve any locally allowed online payment methods

The act specifies that if a registrar of vital statistics allows online payments for vital records (e.g., a birth certificate), the DPH commissioner or her designee must approve any associated requirements. Under the act, this applies to payments for short- and long-form birth certificates, marriage certificates, death certificates, and original birth certificates.

EFFECTIVE DATE: Upon passage

§ 33 — STATE FOOD CODE

Generally exempts certain owner-occupied bed and breakfast establishments and noncommercial functions from the state's model food code requirements

Existing law requires DPH, by January 1, 2023, to adopt the federal Food and Drug Administration's Food Code as the state's food code regulating food establishments (CGS § 19a-36h). The act exempts the following establishments and functions from the food code's requirements:

1. owner-occupied bed-and-breakfast establishments (a) with no more than 16 occupants, (b) with no provisions for cooking or warming food in guest rooms, (c) where breakfast is the only meal offered, and (d) that notify guests that food is prepared in a kitchen unregulated by the local health department and
2. noncommercial functions, including bake sales or potluck suppers at educational, religious, political, or charitable organizations.

Under prior law, these entities had to comply with the food code but were exempt from having to employ a certified food protection manger and any related reporting requirements.

Existing law, unchanged by the act, requires that sellers at noncommercial functions maintain the food under the temperature, pH level, and water acidity level conditions that inhibit the growth of infectious or toxic microorganisms (CGS § 21a-115).

EFFECTIVE DATE: Upon passage

§ 34 — TECHNICAL CHANGE

Corrects a reference to statutes on the Clean Water Fund

The act corrects a reference to statutes governing the Clean Water Fund in a provision limiting the types of funds the Green Bank's Environmental Infrastructure Fund may receive.

EFFECTIVE DATE: Upon passage

§ 35 — CONTINUING EDUCATION FOR PSYCHOLOGISTS

Establishes minimum and maximum amounts of CE earned online

Existing law allows licensed psychologists to earn up to five of their 10 annually required CE credits through online classes, distance learning, or home study. The act specifies that the five-hour cap applies to asynchronous online classes, distance learning, and home study.

The act additionally requires psychologists to earn at least five hours of CE credit through synchronous online education. (In doing so, it only allows licensees to complete up to five of their required 10 CE credits in person.)

Under the act, "synchronous online education" is a live, online class conducted in real time. "Asynchronous online education" is a program in which (1) the instructor, learner, and other participants are not engaged in the learning process at the same time; (2) there is no real-time interaction between participants and instructors; and (3) the educational content is created and made available for later consumption.

EFFECTIVE DATE: July 1, 2022

§ 36 — SOCIAL WORKER MINIMUM STAFFING REQUIREMENTS IN NURSING HOMES

Specifies that existing law's minimum social worker staffing requirement in nursing homes of one social worker per 60 residents is a number of hours that must vary proportionally, based on the number of residents in the home; allows the DPH commissioner to implement policies and procedures while adopting minimum staffing requirements in regulation

By law, DPH must establish minimum staffing level requirements for social workers in nursing homes of one full-time social worker per 60 residents. The act specifies that this requirement is a number of hours based on this ratio that must vary proportionally, based on the number of residents in the home (e.g., a home with 90 residents would require 1.5 full-time social workers instead of two).

Existing law, unchanged by the act, also requires DPH to modify minimum nursing home staffing requirements to include (1) at least three hours of direct care per resident per day and (2) recreational staff at levels the commissioner deems appropriate. She must also adopt regulations to implement these requirements.

The act allows the DPH commissioner to implement policies and procedures while in the process of adopting the new staffing requirements in regulations. She must publish notice of intent to adopt the regulations in the eRegulations system within 20 days after implementing them. Under the act, the policies and procedures are valid until the final regulations are adopted.

EFFECTIVE DATE: Upon passage

§§ 37 & 38 — STATEWIDE HEALTH INFORMATION EXCHANGE

Allows the Office of Health Strategy executive director to implement policies and procedures while adopting regulations to (1) administer the Statewide Health Information Exchange and (2) require certain health care institutions and providers to connect to and participate in the exchange

The act requires the OHS executive director to adopt regulations to (1) administer the Statewide Health Information Exchange and (2) require certain health care institutions and providers to connect to and participate in the exchange. Under the act, the executive director may implement policies and procedures while in the process of adopting the regulations, so long as she (1) holds a public hearing at least 30 days before implementing them and (2) publishes notice of the intent to adopt the regulations within 20 days after implementing them. The policies and procedures are valid until final regulations take effect.

By law, OHS has administrative authority over the Statewide Health Information Exchange, which among other things must allow real-time, secure access to patient health information across all provider settings.

Under existing law, providers must begin the process of connecting to and participating in the exchange: for hospitals, within one year after the exchange began (it became operational May 3, 2021), and for health care providers with compatible electronic health records systems, two years after the exchange began.

EFFECTIVE DATE: Upon passage

§ 40 — DOULA ADVISORY COMMITTEE

Requires DPH, within available resources, to establish an 18-member Doula Advisory Committee to develop recommendations on (1) doula certification requirements and (2) standards for recognizing training programs that meet the certification requirements

The act requires the DPH commissioner, within available resources, to establish an 18-member Doula Advisory Committee within the department to develop recommendations on (1) requirements for initial and renewed doula certification, including training, experience, and continuing education requirements, and (2) standards for recognizing doula training program curricula sufficient to satisfy the certification requirements. 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 before, during, and after birth.

Membership

Under the act, the DPH commissioner or her designee is the advisory committee's chairperson. Additional members include (1) the commissioners of social services, mental health and addiction services, and early childhood, or their designees, and (2) 14 members appointed by the DPH commissioner, or her designee, as follows:

1. seven actively practicing doulas in the state;
2. one licensed nurse-midwife who has experience working with a doula;
3. one representative of an acute care hospital, 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 who specializes in obstetrics and has 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.

Review Committee

The act requires the advisory committee, by January 15, 2023, to establish a Doula Training Program Review Committee to (1) conduct a continuous review of doula training programs and (2) provide a list of approved doula training programs in Connecticut that meet the advisory committee's certification requirements.
EFFECTIVE DATE: Upon passage

§ 41 — SAFE HARBOR LEGISLATION

Requires the DPH commissioner to (1) study whether the state should adopt "safe harbor" legislation allowing certain unlicensed practitioners to provide alternative health care services and (2) report to the Public Health Committee by January 1, 2023

The act requires the DPH commissioner to study whether the state should adopt "safe harbor" legislation and report to the Public Health Committee by January 1, 2023.

Under the act, this legislation would allow alternative health practitioners who are not licensed, certified, or registered to provide traditional health care services in the state to do so without violating state laws on unlicensed medical practice. These services include, at a minimum, aromatherapy, energetic healing, healing touch, herbology or herbalism, meditation and mind-body practices, polarity therapy, reflexology, and Reiki.
EFFECTIVE DATE: Upon passage

§ 46 — INVOLUNTARY TRANSFERS OF RESIDENTIAL CARE HOME RESIDENTS

Modifies requirements for the involuntary discharge of residential care home residents to allow RCHs to qualify as Medicaid home- and community-based settings

The act modifies requirements for the involuntary discharge of residential care home (RCH) residents to allow RCHs to qualify as Medicaid home- and community-based settings. Primarily, it does the following:

1. requires the written discharge notice to include contact information for (a) the long-term care ombudsman for RCH residents and their legally liable residents and (b) Disability Rights Connecticut, Inc. for residents with mental illness or intellectual disability;
2. requires RCHs to provide residents with a discharge plan for alternate residency within seven days after issuing the discharge notice and, in the case of an appeal, submit it to DPH on or before the required hearing date;
3. requires the DPH commissioner to make a determination on an RCH's request for an immediate, emergency transfer within 20 days after the required hearing (prior law did not specify a deadline);
4. requires DPH to send a copy of the emergency discharge determination to the resident, the resident's legally liable representative, and the long-term care ombudsman;
5. requires DPH, if it determines an emergency discharge is not warranted, to proceed with a hearing under the regular involuntary discharge process; and
6. allows an RCH or a resident aggrieved by a DPH decision to appeal to the Superior Court, and requires the court to consider the appeal a privileged case.

The act defines "emergency" as a situation in which a resident presents an imminent danger to the health and safety of him- or herself, another resident, or an owner or employee of the facility.

Written Discharge Notice

By law, RCHs must provide a written discharge notice to residents and their legally liable representatives at least 30

days prior to the date of an involuntary transfer. The notice must include the reason for the transfer and the resident's right to appeal the discharge.

The act also requires the notice to include the (1) resident's right to represent him- or herself or be represented by legal counsel in an appeal and (2) contact information for the long-term care ombudsman and, for residents with mental illness or intellectual disability, also include the contact information for Disability Rights Connecticut. The notice must be sent electronically or by fax to the ombudsman on the same day it is given to the resident and be in a form and manner the DPH commissioner determines.

Superior Court Appeals

The act allows an RCH or a resident who is aggrieved by the DPH commissioner's final decision to appeal to the Superior Court in accordance with the Uniform Administrative Procedure Act. Under the act, filing an appeal with the court does not in itself stay the DPH decision. The court must consider these appeals as privileged cases to dispose of them with the least possible delay.

EFFECTIVE DATE: October 1, 2022

§§ 47 & 78 — MEDICAL ASSISTANTS ADMINISTERING VACCINES

Allows clinical medical assistants meeting specified certification, education, and training requirements to administer vaccines in any setting other than a hospital if acting under the supervision, control, and responsibility of a physician, PA, or APRN

The act allows clinical medical assistants to administer vaccines under certain conditions in any setting other than a hospital. They may do so only if they (1) meet certain certification, education, and training requirements and (2) act under the supervision, control, and responsibility of a licensed physician, physician assistant (PA), or advanced practice registered nurse (APRN). The act specifies that it does not authorize employers to require physicians, PAs, or APRNs, without their consent, to oversee clinical medical assistants administering vaccines.

The act also makes a corresponding change by adding to the list of organizations from whom DPH must obtain a list of state residents certified as medical assistants.

EFFECTIVE DATE: October 1, 2022

Required Certification, Education, and Training

To be eligible to administer vaccines under the act, a clinical medical assistant generally must be certified by the American Association of Medical Assistants, the National Healthcareer Association, the National Center for Competency Testing, or the American Medical Technologists.

The clinical medical assistant also generally must have graduated from a postsecondary medical assisting program that is either:

1. accredited by the Commission on Accreditation of Allied Health Education Programs, the Accrediting Bureau of Health Education Schools, or another accrediting organization recognized by the U.S. Department of Education or
2. offered by a higher education institution accredited by an accrediting organization recognized by the U.S. Department of Education and includes 720 total hours, of which 160 hours are clinical practice skills, including administering injections.

Under the first option above, the person must also have graduated from the program on and after January 1, 2024 (PA 22-92, § 25, instead requires that the person have graduated on and after January 1, 2023; PA 22-93 removes this date limitation altogether).

The act's authorization also applies to clinical medical assistants who do not meet the above certification and education requirements but who completed relevant medical assistant training provided by any branch of the U.S. armed forces.

The act requires any clinical medical assistant, before administering vaccines, to complete at least 24 hours of classroom training and eight hours of clinical training on vaccine administration.

List of Certified Medical Assistants

Under existing law, the DPH commissioner must annually obtain from the American Association of Medical Assistants and the National Healthcareer Association a list of all state residents on each organization's registry of certified medical assistants. The act extends this requirement to also include comparable lists from the National Center for Competency

Testing and the American Medical Technologists. As under existing law, DPH must make these lists available for public inspection.

§ 48 — RARE DISEASE ADVISORY COUNCIL

Establishes a 13-member Connecticut Rare Disease Advisory Council to advise and make recommendations to DPH and other state agencies on the needs of residents living with rare diseases and their caregivers

Starting July 1, 2023, the act establishes a 13-member Connecticut Rare Disease Advisory Council to advise and make recommendations to DPH and other state agencies on the needs of residents living with rare diseases and their caregivers. The council is within DPH for administrative purposes only.

Functions

Under the act, the advisory council may do the following:

1. hold public hearings and otherwise solicit public comments and information to assist with studying or surveying residents with rare diseases and their caregivers and health care providers;
2. consult with rare disease experts to develop policy recommendations for improving patient access to quality medical care in the state, affordable and comprehensive insurance coverage, medications, medically necessary diagnostics, timely treatment, and other necessary services and therapies;
3. research and make recommendations to DPH, other state agencies, and health carriers (i.e., insurers and HMOs) that provide services to those with rare diseases on the adverse impact that changes to health insurance coverage, drug formularies, and utilization review may have on providing treatment or care to these patients;
4. research and identify priorities related to rare disease treatments and services and develop policy recommendations on (a) safeguards and legal protections against discrimination and other practices that limit access to appropriate health care, services, or therapies and (b) planning for natural disasters and other public health emergencies;
5. research and make recommendations on improving the quality and continuity of care for those living with rare diseases who are transitioning from pediatric to adult health care services;
6. research and make recommendations on developing rare disease educational materials, including online materials and a list of reliable resources for DPH, other state agencies, the public, individuals living with a rare disease and their families and caregivers, medical students, and health care providers; and
7. research and make recommendations on support and training resources for caregivers and health care providers of individuals living with a rare disease.

Membership

Under the act, the 13-member advisory council includes the insurance, public health, and social services commissioners or their designees (which, for the insurance commissioner's designee, may be a health carrier representative) and the 10 appointed members listed in the table below.

Advisory Council Appointed Members

Appointing Authority	*Appointee Qualifications*
Governor	One licensed physician with expertise in medical genetics One hospital association representative or administrator of a hospital that provides health care to patients with rare diseases
Public Health Committee Senate chairperson	One representative of a patient advocacy group in the state for all rare diseases One family member or caregiver of a pediatric patient living with a rare disease
Public Health Committee House chairperson	One representative of the biopharmaceutical industry who is involved in rare disease research One adult living with a rare disease

Appointing Authority	*Appointee Qualifications*
Public Health Committee Senate ranking member	One member of the scientific community in the state who does rare disease research One caregiver of a person living with a rare disease
Public Health Committee House ranking member	One licensed physician who treats patients living with a rare disease One representative, family member, or caregiver of a person living with a rare disease

The act requires appointing authorities to make initial appointments by October 31, 2023, and fill any vacancies.

Under the act, five of the first-appointed members serve two-year terms, five members serve three-year terms, and all members serve two-year terms thereafter. The DPH commissioner determines which of the first-appointed members serve two-year or three-year terms.

Members are not compensated for their services but may be reimbursed for necessary expenses.

Council Meetings and Leadership

Under the act, the DPH commissioner selects the acting chairperson from among the council members to organize the first meeting, which must be held by November 30, 2023. The council members must then appoint a permanent chairperson and vice-chairperson by majority vote during the council's first meeting.

The act also specifies that the chairperson, vice-chairperson, or any member may be reappointed to his or her position on the council.

The act requires the council to meet in person or remotely at least six times between November 30, 2023, and October 31, 2024, and quarterly thereafter as the chairperson determines.

During meetings, the act requires the council to provide opportunities for the public to make comments, hear council updates, and provide input on council activities. The council must also create a website where it may post meeting minutes, notices, and feedback.

Report

The act requires the council to report to the governor and Public Health Committee within one year of its first meeting and annually thereafter on its findings and recommendations, including (1) the council's activities, research findings, and recommended legislative changes and (2) any potential funding sources for its activities, including grants, donations, sponsorships, or in-kind donations.

EFFECTIVE DATE: July 1, 2022

§ 49 — CHRONIC KIDNEY DISEASE ADVISORY COMMITTEE

Removes from the advisory committee the Public Health Committee chairpersons and ranking members and four members they appoint; extends by one year, until January 1, 2024, the date by which the advisory committee must begin annually reporting to the Public Health Committee

Membership

The act removes from the state's Chronic Kidney Disease Advisory Committee the following members: the Public Health Committee chairpersons and ranking members and the four members they appoint who have cognizance in public health. In doing so, it reduces the committee's required membership from 21 to 13.

As under prior law, the remaining committee members include the public health commissioner, or her designee, and the following individuals:

1. one member each appointed by the six top legislative leaders, governor, and the chief executive officers of the National Kidney Foundation and the American Kidney Fund;
2. one representative each from the kidney physician community, a nonprofit organ procurement organization, and kidney patient community, appointed by the Public Health Committee chairpersons; and
3. any other members the Public Health Committee chairpersons appoint that they deem necessary to represent public health clinics, community health centers, minority health organizations, and health insurers.

The act extends the date by which appointing authorities must make their initial appointments to 30 days after the act's passage (i.e., June 22, 2022). The act also extends the date by which the chairpersons must schedule the committee's first meeting to 60 days after the act's passage (i.e., July 22, 2022) (prior law required these in 2021).

By law, the Chronic Kidney Disease Advisory Committee works with policymakers, public health organizations, and educational institutions to increase awareness of chronic kidney disease and develop related educational programs.

Report

The act extends by one year, until January 1, 2024, the date by which the advisory committee must begin annually reporting its findings and recommendations to the Public Health Committee.

EFFECTIVE DATE: Upon passage

§ 50 — HOSPITAL COMMUNITY BENEFIT PROGRAMS

Makes various changes to the law on hospital community benefit programs, such as requiring hospitals to submit various documents to OHS on a specified schedule and requiring OHS to make the state's all-payer claims database available to hospitals to help in this process

The act makes various changes to the law on hospital community benefit programs. Principally, it:

1. conforms to existing practice by shifting oversight of this law from the Office of the Healthcare Advocate (OHA) to Office of Health Strategy (OHS);
2. requires hospitals to submit their community health needs assessments, related implementation strategies, and community benefit status reports on a specified schedule, and specifies several matters that hospitals must include in this reporting;
3. requires for-profit acute care hospitals to submit community benefit program reporting consistent with the act's reporting schedules and reasonably similar to what they would report to the IRS, where applicable;
4. requires OHS to make data from the state's all-payer claims database available to hospitals to fulfill these requirements; and
5. requires OHS to annually summarize and analyze community benefit program reporting data and solicit stakeholder input through a public comment period.

The act also removes managed care organizations (MCOs) from this law and makes several minor, technical, and conforming changes.

To maintain tax-exempt status under federal law, a nonprofit hospital must, among other things, (1) conduct a community health needs assessment at least once every three years and (2) adopt an implementation strategy to meet the needs identified in the assessment. Federal regulations set various steps that hospitals must take in completing these requirements (26 C.F.R. § 1.501(r)-3).

EFFECTIVE DATE: January 1, 2023

Program Applicability (§ 50(a) & (i))

Prior law's community benefit provisions applied to hospitals and MCOs. The act removes MCOs from this law and instead applies the law to (1) nonprofit hospitals that must annually file IRS Form 990 (see *Background*) and (2) for-profit acute care general hospitals.

The act requires these for-profit hospitals to submit community benefit program reporting consistent with the act's requirements (see below), and reasonably similar to what the hospital would include in its federal tax filing, where applicable.

Program Scope (§ 50(a))

Under prior law, a "community benefits program" was a voluntary program to promote preventive care and improve the health status of working families and at-risk populations in the communities within a hospital's or MCO's geographic service area.

The act adds to the program purposes (1) protecting health and safety, (2) improving health equity (see below), (3) reducing health disparities, and (4) reducing the cost and economic burden of poor health. It broadens the scope of these programs to address all populations within the hospital's geographic service area, not just working families and at-risk populations as under prior law. It removes references to MCOs.

Under the act, "health equity" means that everyone has a fair and just opportunity to be as healthy as possible. This includes removing obstacles to health, such as poverty, racism, and their adverse consequences, including a lack of equitable opportunities, access to good jobs with fair pay, quality education and housing, safe environments, and health care.

"Health disparities" are health differences that are closely linked with social or economic disadvantages that adversely affect groups who have experienced greater systemic social or economic obstacles to health or a safe environment based on race or ethnicity; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation; gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion.

Community Benefit Program Reporting (§ 50(b)-(e))

Under prior law, each hospital and MCO had to submit a biennial report on whether it had a community benefits program. If the entity had that program, the report had to describe its status and discuss certain parts of it. Prior law also allowed hospitals and MCOs to develop community benefit guidelines focused on specified principles.

The act replaces these provisions, instead requiring hospitals, starting January 1, 2023, to submit community benefit program reporting to OHS or a designee selected by the OHS executive director. This reporting includes three components: the hospital's community health needs assessment (CHNA), implementation strategy, and annual status report on its community benefit program.

The act outlines the required matters to be included with these submissions (see below). In certain respects, the required topics are similar to topics under prior law's provisions for community benefit programs and related guidelines. For example, similar to the prior guidelines, the act requires a hospital's community benefit reporting to address meaningful participation from the community, as described below.

Under the act, a hospital generally must submit these documents on the following schedule:

1. CHNA: within 30 days after the hospital makes it available to the public as required by federal regulations;
2. implementation strategy: within 30 days after the hospital adopts it as required by federal regulations; and
3. status report: annually, starting by October 1, 2023.

In each case, the OHS executive director, or her designee, may grant an extension.

Prior law allowed OHA, after notice and the opportunity for a hearing, to assess civil penalties (up to $50 a day) on hospitals or MCOs that failed to submit community benefit reports as required. The act repeals these provisions and does not transfer similar authority to OHS.

Community Health Needs Assessment (§ 50(c))

The act requires a hospital's CHNA submission to include the following information, consistent with requirements in federal regulations and as included in the hospital's federal tax filing:

1. a definition of the community the hospital serves and a description of how the hospital determined that community;
2. a description of how the hospital conducted the CHNA;
3. a description of how the hospital solicited and considered input from people representing the community's broad interests;
4. a prioritized description of the community's significant health needs identified through the CHNA, and a description of the process and criteria used in identifying and prioritizing certain needs as significant;
5. a description of the resources potentially available to address these significant health needs; and
6. an evaluation of the impact of any of the hospital's actions to address the significant health needs identified in its prior CHNA.

The act also requires hospitals, as part of the CHNA, to submit the following information:

1. the names of the people responsible for developing the CHNA;
2. the population demographics for the hospital's geographic service area and, to the extent feasible, a detailed description of the health disparities, health risks, insurance status, service utilization patterns, and health care costs in this area;
3. a description of the health status and health disparities affecting this service area's population, including those affecting a representative range of age, racial, and ethnic groups; incomes; and medically underserved populations;
4. a description of meaningful participation for community benefit partners (see below) and diverse community members in assessing community health needs, priorities, and target populations;
5. a description of the barriers to achieving or maintaining health and accessing health care, including social, economic, and environmental barriers; lack of access to, or availability of, sources of health care coverage and services; and a lack of access to, and availability of, prevention and health promotion services and support;

6. recommendations on what role the state and other community benefit partners could play in removing these barriers and enabling effective solutions; and
7. any more information, data, or disclosures that the hospital voluntarily includes that may be relevant to its community benefit program.

Under the act, "community benefit partners" are entities that, in partnership with hospitals, play an essential role in the policy, system, program, and financing solutions needed to achieve community benefit program goals. These partners include federal, state, and municipal government entities and private sector entities, such as faith-based organizations; businesses; educational or academic organizations; health care organizations or health departments; philanthropic organizations; housing justice or planning and land use organizations; public safety or transportation organizations; and tribal organizations.

"Meaningful participation" means that (1) residents of a hospital's community, including those experiencing the greatest health disparities, have an appropriate opportunity to participate in the hospital's planning and decisions; (2) this participation influences a hospital's planning; and (3) the hospital gives participants information summarizing how the hospital did or did not use their input.

Implementation Strategy (§ 50(d))

The act requires the hospital's implementation strategy submission, consistent with requirements in federal regulations and as included in the hospital's federal tax filing, to address each significant need identified through the CHNA.

For those needs the hospital intends to address, the submission must (1) describe how the hospital plans to do so, including the hospital's intended actions and their anticipated impact; (2) list the resources the hospital plans to commit to address the need; and (3) describe any planned collaboration with other entities in this process. For those needs the hospital does not intend to address, the submission must explain why the hospital will not do so.

Under the act, a hospital's implementation strategy submission must also include the following information:

1. the names of the people responsible for developing the strategy;
2. a description of meaningful participation for community benefit partners and diverse community members;
3. a description of the community health needs and health disparities that were prioritized in developing the strategy, considering DPH's most recent state health plan;
4. if available, reference-citing evidence showing how the strategy intends to address the corresponding need or disparity;
5. planned methods and measures for the ongoing evaluation of the proposed actions' progress or impact;
6. a description of how the hospital solicited community commentary on the strategy and revisions based on that commentary; and
7. any other relevant information that the hospital voluntarily includes, including data, disclosures, expected or planned resource allocation, investments, or commitments, including staff, financial, or in-kind commitments.

Status Report (§ 50(e))

The act requires hospital status reports on their community benefit programs to describe the following:

1. any major updates on community health needs, priorities, and target populations;
2. progress in the hospital's actions supporting its implementation strategy;
3. any major changes to the proposed implementation strategy and associated hospital actions; and
4. financial and other resources allocated or spent to support the actions associated with the implementation strategy.

All-Payer Claims Database (APCD) (§ 50(f) & (g))

The act requires OHS to make data in the state's APCD available to hospitals for specified purposes (see below) related to their community benefit programs and activities. OHS must do so (1) regardless of existing state law on using APCD data and (2) to the full extent permitted by specified regulations under the federal Health Insurance Portability and Accountability Act (HIPAA). Generally, those regulations allow covered entities, under specified conditions, to use or disclose a limited data set (i.e., protected health information that excludes various personal identifiers) for research, public health, or health care operations. The covered entity must enter into a data use agreement with the recipient (45 C.F.R. § 164.514(e)).

Under the act, OHS must make APCD data available to hospitals solely for (1) preparing their CHNAs, (2) preparing and executing their implementation strategies, and (3) meeting the act's community benefit program reporting requirements. Any OHS disclosures of non-health information must be done in a way to protect its confidentiality as may be required by

state or federal law.

The act excuses hospitals from limitations in meeting their community benefit program reporting requirements if they are not provided the APCD data as required.

OHS Reporting and Solicitation of Stakeholder Input (§ 50(h))

The act (1) transfers from OHA to OHS the duty to summarize and analyze submitted community benefit program reports and (2) removes the prior condition that this had to occur only within available appropriations. It requires OHS to do so annually, starting by April 1, 2024, and post the summary and analysis online. Under prior law, OHA had to biennially make the summary and analysis available to the public upon request.

The act also requires OHS to annually solicit stakeholder input through a public comment period. OHS must use the reporting and stakeholder input to do the following:

1. identify more stakeholders to help address identified community health needs, including (a) federal, state, and municipal entities; (b) non-hospital private sector health care providers; and (c) private sector entities other than health care providers, including community-based organizations, insurers, and charities;
2. determine how these stakeholders could help address identified community health needs or supplement solutions or approaches reported in implementation strategies;
3. determine whether to make recommendations to DPH in its development of the state health plan; and
4. inform OHS's statewide health care facilities and services plan.

Background — IRS Form 990

A nonprofit hospital must include certain information related to the CHNA process in its IRS Form 990 filing (the tax return for organizations exempt from the income tax). Along with the standard form, these hospitals must complete a specific attachment (Schedule H) that addresses the hospital's community benefits, community building activities, and financial assistance policy, among other things.

§ 51 — NON-DISCRIMINATION FOR TRANSPLANTS BASED ON DISABILITY

Generally prohibits deeming someone ineligible to receive an anatomical gift, or organ from a living donor, for transplantation solely because of the person's physical, mental, or intellectual disability

The act generally prohibits deeming someone ineligible to receive an anatomical gift, or organ from a living donor, for transplantation solely because of his or her physical, mental, or intellectual disability. The act provides an exception if a physician determines, after evaluating the person, that his or her disability medically contraindicates the transplant.

Under the act, if a person has the necessary support to help him or her comply with post-transplant medical requirements, then the person's inability to comply without assistance cannot be determined "medically significant" to make the person ineligible for a transplant.

The act specifies that (1) the above provisions apply to each part of the transplant process and (2) it does not require a physician to make a referral or recommendation for, or perform a medically inappropriate transplant of, an anatomical gift or organ.

Under the act, an "anatomical gift" is the donation of all or part of a human body to take effect after the donor's death for transplantation purposes. An "organ" is all or part of the human liver, pancreas, kidney, intestine, or lung.

EFFECTIVE DATE: Upon passage

§ 52 — INFECTION PREVENTION AND CONTROL SPECIALISTS

Makes various changes in requirements for infection prevention and control specialists at nursing homes and dementia special care units, such as (1) limiting the requirement that they employ a full-time specialist to only those facilities with more than 60 residents and (2) allowing these specialists to provide services at both a nursing home and dementia special care unit or at two nursing homes in some circumstances, with DPH approval

The act makes various changes in existing law's requirements for infection prevention and control specialists at nursing homes and dementia special care units (i.e., "facilities").

Prior law required all of these facilities to employ a full-time infection prevention and control specialist. The act limits this requirement to only those facilities with more than 60 residents, and instead requires smaller facilities to employ a part-time specialist.

It also removes a provision from prior law that required each facility's specialist to work on a rotating schedule that ensured he or she covered each eight-hour shift at least once monthly to ensure compliance with relevant standards. Under the act, facilities instead must require the specialists to implement procedures to monitor the infection prevention and control practices of each daily shift to ensure compliance.

The act allows infection prevention and control specialists to provide services at both a nursing home and dementia special care unit or at two nursing homes that are (1) next to each other or on the same campus and (2) commonly owned or operated. Before this may occur, the owner or operator must submit a written request to the DPH commissioner, or her designee, and receive notification that the request is approved.

The act also allows the DPH commissioner to waive the law's infection prevention and control specialist requirements if she determines that doing so would not endanger the life, safety, or health of the facilities' residents or employees. If the commissioner waives a requirement, she may (1) impose conditions assuring residents' and employees' health, safety, and welfare and (2) terminate the waiver if she finds that they have been jeopardized.

EFFECTIVE DATE: July 1, 2022

§§ 53 & 54 — ELDERLY HOUSING COMPLEXES AND ASSISTED LIVING

Allows elderly housing complexes funded and assisted through HUD's Assisted Living Conversion Program, and that intend to arrange for assisted living services, to do so with a currently licensed assisted living services agency, exempting them from having to register as a managed residential community

The act allows certain elderly housing complexes that intend to arrange for assisted living services to do so with a currently licensed assisted living services agency, exempting them from having to register as a managed residential community. This applies to elderly housing complexes funded and assisted through the federal Department of Housing and Urban Development's Assisted Living Conversion Program. Upon DPH's request, such a housing complex must inform DPH of its arrangement with a licensed agency, in a form and manner the commissioner prescribes.

EFFECTIVE DATE: July 1, 2022

§§ 56-58 — DISPOSITION OF UNCLAIMED BODIES

Allows the Office of the Chief Medical Examiner to take custody and coordinate the disposition of an unclaimed body; requires the funeral director who handles the disposition to contact the social services commissioner for reimbursement of related expenses

By law, the Office of the Chief Medical Examiner (OCME) must investigate deaths that involve certain conditions, such as those involving violence or suspicious circumstances or those that are sudden or unexpected and not caused by an easily recognizable disease. Once it completes the investigation, the office must deliver the body to the person legally entitled to receive it. For an unclaimed body, the office must return it to the authorities in the town where the death occurred. The town is responsible for final disposition of the body and must pay the associated costs if the deceased person has not left property sufficient to cover the cost.

The act allows OCME to take custody and coordinate the disposition (e.g., cremation or burial) of an unclaimed body. Before doing so, the act requires the office to wait 21 days after the death is pronounced and make a reasonable effort to locate and contact any of the decedent's relatives. This includes using law enforcement agency services in the town where the decedent died or resided.

Under the act, a funeral director who handles the decedent's disposition must notify the DSS commissioner to seek reimbursement for these expenses. (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 provide a payment toward them.)

The act correspondingly requires DSS, when it receives a proper bill, to pay $1,350 to a funeral director, cemetery, or crematory. The department must pay this amount only if the chief medical examiner, or his designee, certifies that OCME, after its investigation, was unable to locate any of the decedent's friends or family members willing to take possession of the decedent's remains and that they were then transferred to a funeral director, cemetery, or crematory for disposition.

The act also waives the $150 cremation certificate fee required under existing law for these dispositions.

EFFECTIVE DATE: October 1, 2022

§ 59 — COMMISSION ON MEDICOLEGAL INVESTIGATIONS

Removes the requirement that the governor appoint certain members of the Commission on Medicolegal Investigations from a panel recommended by the state's medical and law school deans

By law, the Commission on Medicolegal Investigations oversees OCME and consists of the DPH commissioner and eight members appointed by the governor, including two law professors and two pathology professors. The act removes the requirement that the governor appoint the law and pathology professor members from a panel of at least four professors in each field recommended by a committee of the state's medical and law school deans. Under existing law, unchanged by the act, commission members serve six-year appointments and are eligible for reappointment.

The act also makes technical changes, such as removing references to obsolete language about initial appointments to the commission.

EFFECTIVE DATE: October 1, 2022

§ 60 — PRIVATE AND SEMIPUBLIC WELLS

Starting October 1, 2022, requires property owners to test the water quality of their newly constructed private or semipublic wells; requires clinical laboratories to report water quality test results conducted on wells to DPH and local health departments; requires prospective homebuyers and renters to be given educational materials on well testing; expands the list of contaminants local health departments can test wells for when they suspect groundwater contamination

The act makes various changes in state law affecting water quality testing for private and semipublic wells.

Laboratory Reporting of Test Results

The act requires an environmental laboratory that conducts a water quality test on a private or semipublic well to report the results within 30 days after completing the test to DPH and the local health department of the municipality where the property is located. Prior law required this only if the testing was related to a real estate transaction (e.g., property purchase or sale).

Under the act, test results submitted to DPH or local health departments, information obtained from any related investigation, and any morbidity and mortality study related to the results (1) are confidential and not subject to disclosure; (2) are not admissible as evidence in any court or agency proceeding; and (3) must be used solely for medical or scientific research or disease control and prevention purposes.

Testing Newly Constructed Wells

Starting October 1, 2022, the act requires property owners to test the water quality of newly constructed private or semipublic wells. (Current regulation already requires this.) At a minimum, the testing must screen for the following contaminants: coliform, nitrate, nitrite, sodium, chloride, iron, manganese, hardness, turbidity, pH, sulfate, apparent color, odor, lead, arsenic, and uranium. The owner must submit the test results to DPH in a form and manner the commissioner determines.

Educational Materials for Real Estate Agents

By law, homeowners must notify a purchaser or renter that educational materials about private and semipublic well testing are available on the DPH website.

The act additionally requires an electronic or hard copy of the information to be provided to prospective buyers or renters by (1) a licensed realtor, if the prospective buyer or tenant hired the realtor to facilitate the property transaction, or (2) the property owner, landlord, or closing attorney, if the prospective buyer or tenant did not hire a realtor.

Under the act, the educational materials provided to prospective buyers and tenants must include information on testing for the contaminants described above and any other related recommendations the department determines to be necessary.

EFFECTIVE DATE: October 1, 2022

§ 61 — EMS ORGANIZATIONS ADDING NEW VEHICLES

Allows commercial EMS organizations, not just other EMS organizations, who are primary service area responders to add one vehicle to their fleet every three years without necessarily completing the standard hearing process

Existing law allows certain EMS organizations to apply to DPH, on a short form application, to add one vehicle to their existing fleet every three years, without necessarily going through the standard hearing process.

Under prior law, this applied to licensed or certified volunteer, hospital-based, or municipal ambulance services, or ambulance or paramedic intercept services operated by state agencies, that are primary service area responders (PSARs). The act instead applies this provision to any licensed or certified EMS organizations that are PSARs, thus broadening its applicability to include commercial EMS organizations.

As under existing law:

1. the applicant must notify, in writing, all other PSARs in any municipality or abutting municipality in which the applicant proposes to add a vehicle;
2. the application is deemed approved 30 days after the filing, unless one of the notified PSARs objects within 15 days after the notice; and
3. if the objecting PSAR requests a hearing, the applicant must demonstrate need for the new vehicle through the standard hearing process.

EFFECTIVE DATE: October 1, 2022

§ 62 — LEGIONELLA WORKING GROUP

Requires the DPH commissioner to (1) convene a working group on legionella prevention and mitigation in hospitals, nursing homes, and other health care facilities and (2) report to the Public Health Committee on the working group's findings and recommendations

The act requires the DPH commissioner, by July 1, 2022, to convene a working group on legionella prevention and mitigation in hospitals, nursing homes, and other health care facilities.

Under the act, the working group consists of representatives of hospitals, nursing homes, and water companies who must identify issues, evaluate data, determine appropriate action timelines, and develop solutions for preventing and mitigating legionella in the above-described facilities.

The act requires the DPH commissioner to report to the Public Health Committee by December 31, 2022, on the working group's efforts and recommendations for legislative, regulatory, or other changes on preventing and mitigating legionella in these facilities. The working group terminates on either the date it submits the report or December 31, 2022, whichever occurs first.

EFFECTIVE DATE: Upon passage

§ 63 — POLYSOMNOGRAPHIC TECHNOLOGISTS

Authorizes polysomnographic (i.e., sleep) technologists to perform certain oxygen-related patient care activities in hospitals just as existing law allows for designated licensed health care providers and certified ultrasound or nuclear medicine technologists

The act allows polysomnographic technologists ("sleep technologists") to perform the following oxygen-related patient care activities in hospitals: (1) connecting or disconnecting oxygen supply; (2) transporting a portable oxygen source; (3) connecting, disconnecting, or adjusting the mask, tubes, and other patient oxygen delivery apparatus; and (4) adjusting the oxygen rate or flow consistent with a medical order. Existing law already allows designated licensed health care providers and certified ultrasound or nuclear medicine technologists to do this.

As under existing law, this authorization does not apply to any type of ventilator, continuous positive airway pressure or bi-level positive airway pressure unit, or other noninvasive positive pressure ventilation.

Under prior law, the state did not regulate polysomnographic technologists. Because oxygen is considered a prescription drug and can only be administered by licensed health professionals within their scope of practice, polysomnographic technologists were prohibited from administering oxygen.

EFFECTIVE DATE: October 1, 2022

§§ 64-66 — SUICIDE ADVISORY BOARD

Renames and expands the scope of DCF's Youth Suicide Advisory Board, revises its membership and procedures, and specifically allows physicians' continuing medical education in behavioral health to include suicide prevention training

The act codifies existing practice by expanding the scope of DCF's Youth Suicide Advisory Board to address suicide prevention across a person's lifespan. It correspondingly renames the board as the Connecticut Suicide Advisory Board, reflecting existing practice.

It makes conforming changes to the board's responsibilities to reflect its broader scope, such as requiring the board to develop a statewide strategic suicide prevention plan, not just one focused on youth. The act specifically adds behavioral health care providers and higher education faculty members to the list of people to whom the board must periodically offer training, within available appropriations. It requires the board's recommendations to address suicide intervention and response, not just prevention, procedures for schools, communities, and interagency service coordination.

The act also makes several changes to the board's membership and procedures. Instead of requiring 20 members as under prior law, it adds to the types of organizations that can be represented on the board and makes certain prior appointments optional. Among other things, it (1) adds an additional co-chair to the board and allows for the co-chairs to appoint a third co-chair and (2) allows the board to adopt bylaws.

Lastly, the act specifically allows physicians' continuing medical education in behavioral health to include training on suicide prevention (§ 65). By law, physicians generally must complete at least one contact hour of behavioral health continuing education during their first renewal period in which continuing education is required and then every six years, and a total of 50 contact hours of continuing education every two years, starting with their second license renewal.

EFFECTIVE DATE: July 1, 2022

Board Membership

Under prior law, the board consisted of the following members:

1. eight appointed by the DCF commissioner, including a state-licensed psychiatrist and psychologist, local or regional school board representative, high school teacher and student, college or university faculty member and student, and parent;
2. additional DCF commissioner appointees with expertise in children's mental health or mental health issues with a focus on suicide prevention;
3. one representative each from DPH, SDE, and the Board of Regents for Higher Education (BOR), appointed by the applicable department commissioner or Connecticut State Colleges and Universities (CSCU) president; and
4. the DCF commissioner, who served in a non-voting, ex-officio capacity.

The act makes several changes to the board's membership, as reflected in the table below.

Connecticut Suicide Advisory Board Membership Under the Act

Permissible Appointments (Appointed by the DCF Commissioner)	***Required Members***
Representatives from suicide prevention foundations, youth-serving organizations, law enforcement agencies, religious or fraternal organizations, civic or volunteer groups, state and local government agencies, tribal governments or organizations, health care providers, or local organizations with expertise in the mental health of children or adults or mental health issues with a focus on suicide prevention A state-licensed psychiatrist, state-licensed psychologist, local or regional school board representative, high school teacher, high school student, college or university faculty member, college or university student, parent, or person who has experienced suicide ideation or loss	One representative each from DPH, SDE, and BOR, appointed by the applicable commissioner or CSCU president DCF commissioner or designee (who now serves as a voting member) DMHAS commissioner or designee

Board Chairpersons

Under prior law, the board elected a chairperson, as well as a vice-chairperson to act in the chairperson's absence.

The act instead reflects current practice by requiring the DCF and DMHAS commissioners, or their designees, to serve as co-chairpersons. It also allows them to appoint a third co-chairperson, who must represent a (1) local organization with mental health expertise or (2) suicide prevention foundation.

Changes to Board Procedures

The act allows the board to adopt bylaws to govern itself and its meetings. It also eliminates provisions in prior law that provided that board members (1) served two-year terms without compensation and (2) were deemed to have resigned from the board if they missed three meetings in a row or half of all meetings in a calendar year.

§ 67 — SURGICAL SMOKE EVACUATION POLICIES

Requires each licensed hospital and outpatient surgical facility to develop and implement a policy for using a surgical smoke evacuation system to prevent exposure to surgical smoke

The act requires each licensed hospital and outpatient surgical facility, by January 1, 2024, to develop a policy for using a surgical smoke evacuation system to prevent a person's exposure to surgical smoke. Also by this date, these facilities must implement the policy and, upon request, provide a copy to DPH.

Under the act, "surgical smoke" is the by-product of using an energy-generating device during surgery, such as surgical or smoke plume, bioaerosols, laser-generated airborne contaminants, or lung-damaging dust. But the term excludes by-products produced during gastroenterological or ophthalmic procedures that are not emitted into the operating room during surgery.

A "surgical smoke evacuation system" is a system, such as a smoke or laser plume evacuator or local exhaust ventilator, that captures and neutralizes surgical smoke (1) at the smoke's site of origin and (2) before the smoke contacts the eyes or respiratory tract of anyone in an operating room during surgery.

EFFECTIVE DATE: July 1, 2022

§§ 68 & 69 — HIV TESTING

Generally requires primary care providers and hospital emergency departments to offer HIV testing to patients age 13 or older; requires hospitals to adopt related protocols

Starting January 1, 2023, the act generally requires primary care physicians, APRNs, and PAs ("primary care providers") to offer HIV testing to patients age 13 or older. Specifically, the provider or a designee must offer to provide, order, or arrange to order the test unless one of the act's exceptions applies.

Starting January 1, 2024, the act generally requires hospital employees or staff members treating a patient age 13 or older in the emergency department to offer the patient an HIV test. By this same date, it requires hospitals to develop protocols, with specified components, for implementing this requirement.

For both primary care providers and hospitals, the act provides various exceptions to the requirement to offer HIV testing, such as when the patient is treated for a life-threatening emergency. Also, the act requires primary care providers or their designees, and hospital employees or staff members, to comply with all requirements under existing law on HIV testing and related information (see *Background*).

Under the act, "primary care" is family medicine, general pediatrics, primary care, internal medicine, primary care obstetrics, or primary care gynecology, without regard to board certification.

EFFECTIVE DATE: October 1, 2022

Exceptions to Required Offer of HIV Test

For primary care providers or their designees, the act's requirement does not apply if the provider reasonably believes that the patient (1) is being treated for a life-threatening emergency, (2) has previously been offered or received an HIV test, or (3) lacks the capacity to consent.

For hospital employees or staff members, the act's requirement does not apply if they document that the patient (1) is being treated for a life-threatening emergency, (2) received an HIV test in the prior year, (3) lacks the capacity to provide

general consent to the test, or (4) declines the test.

Hospital Protocols

The act's required hospital protocols must comply with existing law's provisions on general consent requirements for HIV testing, counseling and referral as needed, and related exceptions.

Additionally, the protocols must at least include:

1. offering and providing this testing to patients and notifying them of the results;
2. tracking and documenting the number of tests performed and declined and the test results;
3. reporting positive test results to DPH, as required under existing law; and
4. referring patients who test positive to an appropriate health care provider for treatment.

The act allows a hospital, in developing and implementing the protocols, to collaborate with a municipal or district health department, regional mental health board, emergency medical services council, or community organization.

Background — HIV Testing and Information

By law, a person who gives general consent for medical procedures and tests is generally not required to also sign or be given a specific informed consent form on HIV testing. General consent includes instruction to the patient that (1) the patient may be tested for HIV as part of the medical procedures or tests and (2) this testing is voluntary. Among other things, the law provides that a parent's or guardian's consent is not required for a minor to get tested.

By law, the person ordering an HIV test, when communicating its result, must generally give the test subject or his or her authorized representative counseling information or referrals as needed, addressing certain matters.

The law establishes exceptions to these consent and counseling provisions in 10 situations, such as significant occupational exposure (CGS § 19a-582).

The law establishes various other requirements related to HIV testing and information. For example, subject to certain exceptions, the law prohibits anyone who obtains confidential HIV-related information from disclosing it or being compelled to disclose it (CGS § 19a-583).

§ 70 — PLASMAPHERESIS, CLINICAL LABORATORIES, AND BLOOD DONATION CENTERS

Requires the DPH commissioner to review statutes and regulations on, or otherwise impacting, the practice of plasmapheresis, clinical laboratories, and blood donation centers in the state and report her findings and recommendations to the legislature

The act requires the DPH commissioner to review statutes and regulations on, or otherwise impacting, the practice of plasmapheresis, clinical laboratories, and blood donation centers in the state.

In conducting the review, the act requires the commissioner to (1) consult clinical laboratories, businesses, and nonprofit organizations with expertise in blood collection, plasmapheresis, and clinical laboratory operations and facilities and (2) review federal regulations on the practice of plasmapheresis and blood collection.

The act requires the commissioner, by January 1, 2023, to report to the legislature on the review and her recommendations on how the state can better align with related federal regulations while maintaining a high level of blood donor safety.

EFFECTIVE DATE: Upon passage

§§ 71 & 72 — MANDATED ELDER ABUSE REPORTER TRAINING

Modifies provisions in PA 22-57, extending until June 30, 2023, the date by which mandated elder abuse reporters must generally complete the DSS elder abuse training program or another DSS-approved program

The act modifies provisions in PA 22-57, extending by six months until June 30, 2023, the date by which mandated elder abuse reporters must generally complete the DSS elder abuse training program or another DSS-approved program. Under the act, the training must be completed by this date or within 90 days after becoming a mandated elder abuse reporter.

The requirement does not apply to any reporter who has already received the training from an entity that must provide the training to its employees. By law, any institution, organization, agency, or facility that employs people to care for seniors age 60 and older must (1) provide mandatory training on detecting potential elder abuse and (2) inform employees of their obligation to report such incidences.

By law, the DSS commissioner must develop a training program on identifying and reporting elder abuse, neglect, exploitation, and abandonment and make the program available on the department's website and in-person or otherwise throughout the state.

Background — Mandated Elder Abuse Reporters

Existing law requires doctors, nurses, long-term care (LTC) facility administrators and staff, other health care personnel, and certain other professionals to report suspected abuse, neglect, abandonment, or exploitation of the elderly and LTC facility residents to DSS within 72 hours of suspecting the abuse or face penalties. They must also report to the department if they suspect an elderly person needs protective services (CGS §§ 17a-412 & 17b-451).
EFFECTIVE DATE: Upon passage

§ 73 — TECHNICAL STANDARDS FOR MEDICAL DIAGNOSTIC EQUIPMENT

Requires health care facilities to consider certain federal technical standards for accessibility of medical diagnostic equipment when purchasing this equipment

Starting January 1, 2023, the act requires health care facilities to consider certain federal technical accessibility standards when purchasing medical diagnostic equipment. Specifically, facilities must consider the technical standards developed by the federal Architectural and Transportation Barriers Compliance Board (ATBCB) in accordance with the federal Patient Protection and Affordable Care Act.

Starting by December 1, 2022, the DPH commissioner must annually notify each health care facility and licensed physician, physician assistant, and advanced practice registered nurse about information on providing health care to individuals with accessibility needs, including the ATBCB technical standards. DPH must also post the information on its website.

Under the act, a "health care facility" is a hospital, outpatient clinic, and LTC or hospice facility. "Medical diagnostic equipment" includes an examination table or chair; weight scale; mammography equipment; and x-ray, imaging, and other radiological diagnostic equipment.
EFFECTIVE DATE: Upon passage

Background — Architectural and Transportation Barriers Compliance Board

The board is an independent federal agency that provides information, technical assistance, and training on accessibility design for people with disabilities. Among other things, it provides design criteria for transit vehicles, telecommunications equipment, and electronic information technology.

§ 74 — ASSISTED LIVING SERVICES AGENCIES TASK FORCE

Establishes a task force to study the regulation and staffing levels of assisted living services agencies that provide services as dementia special care units or programs; requires it to report its findings and recommendations to the Public Health Committee

The act establishes a nine-member task force to study assisted living services agencies that provide services as dementia special care units or programs. The study must examine (1) DPH regulation of these agencies and whether additional department oversight is required; (2) whether minimum staffing levels should be required; and (3) agencies' maintenance of records on meals served to, bathing of, medication administration to, and overall health of residents.

Membership

Under the act, the task force consists of the following nine members: (1) two each appointed by the Senate president pro tempore and House speaker; (2) one each appointed by the Senate and House majority and minority leaders; and (3) the DPH commissioner or her designee.

Under the act, appointing authorities must make their initial appointments within 30 days after the act's passage (i.e., by June 22, 2022) and fill any vacancies. Appointed members may be legislators.

The act requires the Senate president pro tempore and House speaker to select the task force chairpersons from among its members. The chairpersons must schedule and hold the first meeting within 60 days after the act's passage (i.e., by July

22, 2022).

Under the act, the Public Health Committee's administrative staff must serve as the task force's administrative staff.

Report

The act requires the task force, by January 1, 2023, to report its findings and recommendations to the Public Health Committee. The task force terminates when it submits the report or on January 1, 2023, whichever is later.

EFFECTIVE DATE: Upon passage

§ 75 — MATERNAL MORTALITY REVIEW COMMITTEE EDUCATIONAL MATERIALS

Requires DPH's Maternal Mortality Review Committee to develop educational materials on intimate partner violence and pregnant and postpartum persons with mental health disorders, which DPH must distribute to specified hospitals and health care providers

By law, a Maternal Mortality Review Committee within DPH conducts multidisciplinary reviews of maternal deaths to identify associated factors and make recommendations to reduce these deaths.

The act requires the committee, by January 1, 2023, to develop educational materials on the following topics:

1. the health and safety of pregnant and postpartum persons with mental health disorders, including perinatal mood and anxiety disorders, for DPH to distribute to each birthing hospital in the state;
2. evidence-based screening tools for screening patients for intimate partner violence, peripartum mood disorders, and substance use disorder for DPH to distribute to obstetricians and other health care providers who practice obstetrics; and
3. indicators of intimate partner violence for DPH to distribute to (a) hospitals for emergency department health care providers and social workers to use and (b) obstetricians and other health care providers who practice obstetrics.

EFFECTIVE DATE: Upon passage

§ 76 — BIRTHING HOSPITALS PATIENT EDUCATIONAL MATERIALS

Requires birthing hospitals to provide (1) caesarean section patients with written information on the importance of mobility following the procedure and (2) postpartum patients certain educational materials and establish a patient portal for them to virtually access any educational materials and information provided to the patients during their stay or discharge

The act requires birthing hospitals, starting October 1, 2022, to give each patient who has undergone a caesarean section written information on the importance of mobility and the associated risks of immobility following the procedure.

By January 1, 2023, the act requires birthing hospitals to establish a patient portal where a postpartum patient can virtually access, through the internet or an application, any educational materials and information that the hospital gave the patient during the hospital stay and discharge.

Also starting by this date, the act requires birthing hospitals to give each postpartum patient the Maternal Mortality Review Committee's educational materials on the health and safety of pregnant and postpartum persons with mental health disorders as described above (see § 75).

EFFECTIVE DATE: July 1, 2022

§ 77 — DESIGNATING MATERNAL MENTAL HEALTH MONTH AND DAY

Designates the month of May as "Maternal Mental Health Month" and each May 5 as "Maternal Mental Health Day"

The act designates the month of May as "Maternal Mental Health Month" and each May 5 as "Maternal Mental Health Day" and allows suitable exercises to be held at the capitol and other locations the governor designates.

EFFECTIVE DATE: Upon passage

PA 22-69—HB 5419
Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' RECOMMENDATIONS REGARDING REGIONAL BEHAVIORAL HEALTH ACTION ORGANIZATIONS

SUMMARY: In 2017 and 2018, the Department of Mental Health and Addiction Services (DMHAS) reorganized existing Regional Action Councils, which focused on substance abuse prevention, and Regional Mental Health Boards. DMHAS replaced them with five Regional Behavioral Health Action Organizations (RBHAOs), one for each of the state's designated mental health regions.

This act codifies existing practice by allowing the DMHAS commissioner to contract with one or more nonprofit organizations to operate as RBHAOs (one for each of the state's mental health regions) and repeals the laws that established the prior councils and boards. It requires each RBHAO to serve as a strategic community partner responsible for (1) behavioral health planning, education, and promotion; (2) coordinating behavioral health issues prevention; and (3) advocacy for behavioral health needs and services within its mental health region. The act gives the RBHAOs certain duties and, in doing so, requires them to solicit advice and input from the community.

The act also makes several corresponding statutory changes to effectuate the transfer of duties from the prior boards and councils to the RBHAOs. For example, it requires the RBHAOs, rather than the boards or councils as applicable, to (1) designate individuals to serve on certain entities and (2) consult with DMHAS on the department's development of the state's substance abuse prevention and treatment plan.

The act makes other related changes, such as (1) as of October 1, 2022, reducing the membership of the state's Board of Mental Health and Addiction Services and making other changes affecting the board (§ 4) and (2) specifying that 51 to 60% of the total catchment area council membership must be people with lived experience of a behavioral health disorder, not just consumers generally (§ 9). (These councils study and evaluate the delivery of mental health services in their respective areas.)

The act also makes related minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except the provisions on the Board of Mental Health and Addiction Services take effect October 1, 2022.

§ 1 — RBHAO DUTIES

The act requires each RBHAO to fulfill the following duties within its mental health region:

1. assess the behavioral health needs of children, adolescents, and adults and engage with stakeholders to identify needs, problems, barriers, and gaps in the behavioral health service continuum;
2. enhance local community capacity to understand and address problem gambling;
3. raise awareness of and advocate to the public for mental health promotion and substance abuse prevention, treatment, and recovery;
4. receive and expand federal, state, and local funds and leverage funds to support behavioral health promotion, prevention, treatment, and recovery activities;
5. serve on local, regional, and state advisory and planning bodies;
6. within available appropriations, provide training in administering opioid antagonists (e.g., Narcan) and distribute them to communities;
7. report community needs, program review findings, and conclusions annually to the relevant local, regional, and state stakeholders with recommendations to establish, modify, or expand behavioral health services; and
8. serve as the regional partner responsible for coordinating and aligning federal, state, regional, and local behavioral health initiatives.

The act requires each RBHAO, in fulfilling these duties, to solicit advice from community members, who must at least include the following:

1. elected officials;
2. parents and youths;
3. faith-based, youth-serving, educational, and media organizations;
4. law enforcement professionals or organizations;
5. health care professionals and behavioral health treatment providers;
6. people with lived experience of behavioral health issues and their family members;
7. businesses and civic or fraternal groups; and
8. other interested people or organizations.

§§ 2-30 — CORRESPONDING STATUTORY CHANGES AND TRANSFER OF DUTIES

The act makes several changes throughout the statutes to effectuate the transfer of duties from Regional Action Councils and Regional Mental Health Boards to RBHAOs. It replaces several statutory references to the councils or boards with references to RBHAOs, and transfers several of their duties to the RBHAOs. These include, among other things:

1. submitting a plan to the Department of Public Health (DPH), with specified information, before receiving state funds for tobacco education, reduction, or prevention efforts (§ 2);
2. consulting with the DMHAS commissioner on certain matters, such as the commissioner's triennial update of a comprehensive plan for substance abuse prevention, treatment, and reduction (§ 3);
3. reviewing applications (along with DMHAS) and making recommendations when a hospital, municipality, or nonprofit organization applies for DMHAS funds to establish, expand, or maintain psychiatric or mental health services (§ 6);
4. receiving reports and recommendations from the catchment area councils (§ 9); and
5. entering into agreements with DMHAS to provide services for chronic gamblers (§ 10).

Under prior law, applicants for a DPH license to operate a community residence for up to eight adults with mental illness had to send a copy of the application to the Regional Mental Health Board as well as DPH. The act removes references to the board for this purpose and does not require applicants to send a copy to the RBHAO (§ 12).

Board of Mental Health and Addiction Services (§ 4)

Starting October 1, 2022, the act makes several changes to the membership of the state's Board of Mental Health and Addiction Services. Specifically, it removes from the board the following members generally designated by the Regional Action Councils and Regional Mental Health Boards repealed by the act:

1. the chairpersons of the boards and one designee of each board;
2. two designees from each of the five subregions represented by the councils;
3. one designee from each mental health region, representing individuals with psychiatric disabilities, selected by the boards in collaboration with advocacy groups; and
4. one designee from each of the five subregions represented by the councils, representing individuals recovering from substance use disorders and selected by the councils in collaboration with advocacy groups.

The act replaces these members with five appointed by the DMHAS commissioner, each representing an RBHAO, and makes conforming changes.

The act also makes certain substantive and minor changes to the qualifications for the governor's 19 appointees to the board, as shown in the table below.

Governor's Appointees to Board of Mental Health and Addiction Services

Qualifications Under Prior Law	*Qualifications Under the Act Starting October 1, 2022*
Five with experience in the field of substance use disorders	Five with lived experience with substance use disorders
Five from the mental health community	Five with lived experience with a mental health diagnosis
Three state-licensed physicians with experience in psychiatry Two state-licensed psychologists	Five state-licensed behavioral health practitioners
Two people representing families of individuals with behavioral health disorders (formerly psychiatric disabilities) Two people representing families of individuals recovering from substance use disorders	Same as prior law

The act also requires the governor to appoint a board chairperson from among the members.

PA 22-92—HB 5485
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. makes minor, technical, and conforming changes to replace references to permits that no longer exist (e.g., bowling establishment permits) with references to the newly structured club permit (§§ 1-3);
2. allows licensed professional counselors and marital and family therapists who are members of specified DMHAS community support and crisis intervention teams to issue emergency certificates authorizing people with a psychiatric disability to be taken to a general hospital for examination, under certain conditions (§ 4);
3. allows certified people to practice auricular acupuncture to treat alcohol and drug abuse under the supervision of a PA, APRN, or licensed acupuncturist, instead of only a physician as under prior law (§ 7);
4. grants licensed pharmacists the authority under state law to administer the flu vaccine, with parental or guardian consent, to minors age 12 years or older (§ 24); and
5. makes a change to one of the educational criteria to make clinical medical assistants eligible to administer vaccinations under PA 22-58 (§ 25) (PA 22-93 further modifies this provision).

The act also makes technical and conforming changes to various statutes (§§ 5, 6 & 8-23).

EFFECTIVE DATE: Upon passage, except that the provisions on (1) pharmacists (§ 24) take effect July 1, 2022, and (2) emergency certificates for psychiatric evaluation (§ 4), auricular acupuncture (§ 7), medical assistants (§ 25), and technical changes to a statute on health care facility fees (§ 8) take effect October 1, 2022.

§ 4 — EMERGENCY CERTIFICATES FOR PSYCHIATRIC EVALUATION

The act permits licensed professional counselors and marital and family therapists to issue emergency certificates directing a person with psychiatric disabilities to be taken to a hospital for evaluation. To do so, the counselor or therapist must:

1. be a member of a (a) DMHAS-certified community support program or (b) DMHAS-operated or -funded mobile crisis team, jail diversion program, crisis intervention team, advanced supervision and intervention support team, or assertive case management support program;
2. have received at least eight hours of specialized training in conducting direct evaluations; and
3. reasonably believe, as a result of direct evaluation, that the person has psychiatric disabilities and is a danger to self or others, or gravely disabled and needs immediate care or treatment.

Existing law already allows clinical social workers and APRNs who meet the above training requirements to do this.

§ 7 — AURICULAR ACUPUNCTURE

Existing law allows unlicensed people who are certified by the National Acupuncture Detoxification Association to practice auricular acupuncture to treat alcohol and drug abuse under certain supervision and in Department of Public Health-licensed freestanding substance abuse facilities, DMHAS-operated settings, or any other setting where it is an appropriate adjunct therapy to a substance abuse or behavioral health treatment.

The act allows these people to practice under the supervision of a PA, APRN, or licensed acupuncturist, instead of only a physician as under prior law.

§ 24 — PHARMACISTS ADMINISTERING THE FLU VACCINE TO MINORS

The act grants licensed pharmacists the authority under state law to administer the flu vaccine, with parental or guardian consent, to minors age 12 years or older. It applies to the flu vaccine approved by the U.S. Food and Drug Administration. (Under specified conditions, federal law currently protects pharmacists from liability under federal or state law for administering approved vaccines, including the flu vaccine, to children age three and older; see BACKGROUND.)

By law, pharmacists may already administer to adults any vaccines on the Centers for Disease Control and Prevention's (CDC) adult immunization schedule. Under the act, as under existing law for adult vaccines, pharmacists must administer the flu vaccine to minors according to a licensed health care provider's order and Department of Consumer Protection regulations.

Under existing law, these regulations must require that pharmacists administering vaccines to adults complete an immunization training course. The act correspondingly extends this training requirement to pharmacists administering the flu vaccine to minors age 12 years or older.

§ 25 — MEDICAL ASSISTANTS ADMINISTERING VACCINES

PA 22-58 (§ 47) allows clinical medical assistants meeting specified certification, education, and training requirements to administer vaccines in any setting other than a hospital if acting under the supervision, control, and responsibility of a physician, PA, or APRN.

To be eligible to administer vaccines under PA 22-58, a clinical medical assistant generally must have graduated from a postsecondary medical assisting program that meets certain criteria. One option is that the person graduated from a program accredited by the Commission on Accreditation of Allied Health Education Programs, the Accrediting Bureau of Health Education Schools, or another accrediting organization recognized by the U.S. Department of Education. This act instead specifies that the person must have done so on and after January 1, 2023, rather than January 1, 2024, as under PA 22-58. (PA 22-93 removes this date limitation altogether.)

BACKGROUND

Federal PREP Act and Pharmacists' Administration of Vaccines to Minors

The federal Public Readiness and Emergency Preparedness Act (PREP 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). Pursuant to this authority, in August 2020, the HHS secretary issued a declaration authorizing state-licensed pharmacists, under certain criteria, to order and administer FDA-authorized or FDA-approved vaccinations to minors age 3 and older. Among other conditions, the (1) vaccination must be administered according to the CDC's standard schedule and (2) pharmacist must meet certain training and recordkeeping requirements (HHS, Third Amendment to Declaration Under the PREP Act for Medical Countermeasures Against COVID-19).

PA 22-93—sSB 457
Public Health Committee

AN ACT CONCERNING CLINICAL MEDICAL ASSISTANTS

SUMMARY: This act makes a change to one of the educational criteria that qualifies clinical medical assistants to administer vaccinations under PA 22-92 (§ 25) (which amended PA 22-58 (§ 47)).

Specifically, PA 22-92 (§ 25) allows clinical medical assistants to administer vaccines in any setting other than a hospital if they (1) meet specified certification, education, and training requirements and (2) administer the vaccine under the supervision, control, and responsibility of a physician, physician assistant, or advanced practice registered nurse.

To be eligible to administer vaccines under PA 22-92 and PA 22-58, a clinical medical assistant generally must have graduated from a postsecondary medical assisting program that meets certain criteria. One option is that the person graduated from a program accredited by the Commission on Accreditation of Allied Health Education Programs, the Accrediting Bureau of Health Education Schools, or another accrediting organization recognized by the U.S. Department of Education. The act removes the requirement that the person must have done so on or after January 1, 2023, as under PA 22-92.

EFFECTIVE DATE: October 1, 2022

PA 22-99—HB 5274
Public Health Committee

AN ACT CONCERNING THE FEE FOR A CREMATION CERTIFICATE FOR DECEASED PERSONS UNDER THE AGE OF EIGHTEEN

SUMMARY: This act exempts a decedent's estate from having to pay the $150 cremation certificate fee for cremating the body of a person under the age 18.

Existing law, unchanged by the act, (1) exempts from the fee the cremation of a stillborn fetus and (2) otherwise allows the Office of Policy and Management secretary to waive the fee at the chief medical examiner's request.

By law, cremation certificates are generally required to cremate a body. A medical examiner or authorized designee must complete the certificate, stating that they have inquired into the cause and manner of death and believe that no further examination or judicial inquiry is needed.

EFFECTIVE DATE: July 1, 2022

PA 22-108—sHB 5430
Public Health Committee

AN ACT CONCERNING OPIOIDS

SUMMARY: This act makes various changes affecting opioid use prevention and treatment. Specifically, it:

1. adds chiropractic and spinal cord stimulation to the list of nonopioid treatment options that must be included on a patient's treatment agreement or care plan that prescribing practitioners must provide when prescribing opioids for more than 12 weeks (§ 1);
2. removes from the statutory definition of "drug paraphernalia" products used by licensed drug manufacturers or individuals to test a substance before they ingest, inject, or inhale it (e.g., fentanyl testing strips), as long as they are not using the products for unlicensed manufacturing or distribution of controlled substances (§ 2);
3. allows practitioners authorized to prescribe controlled substances to treat patients by dispensing controlled substances (e.g., methadone) from a mobile unit (§ 3);
4. allows multi-care institutions to provide behavioral health services or substance use disorder treatment services in a mobile narcotic treatment program (§ 4);
5. requires the DMHAS's triennial state substance use disorder plan to include department policies, guidelines, and practices to reduce the negative personal and public health impacts of behavior associated with alcohol and drug abuse, including opioid drug abuse (§§ 5 & 6); and
6. extends by one year, until January 1, 2023, the date by which DMHAS must establish a pilot program in up to five urban, suburban, and rural communities to serve individuals with opioid use disorder (§ 7).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2022, except that the provisions making technical changes to the state substance use disorder plan (§ 6) and extending the date by which DMHAS must establish a pilot program on opioid use disorder (§ 7) take effect upon passage.

§ 1 — PRESCRIPTION OPIOID PATIENT CARE PLAN

By law, a prescribing practitioner who prescribes more than a 12-week supply of an opioid drug to treat a patient's pain must (1) establish a treatment agreement with the patient or (2) discuss a care plan for the chronic use of opioid drugs with the patient.

Among other things, the agreement or plan must include, to the extent possible, nonopioid treatment options. The act adds chiropractic and spinal cord stimulation to these treatment options. Existing law already requires the agreement or plan to include manipulation, massage therapy, acupuncture, physical therapy, and other treatment regimens or modalities.

§ 3 — MOBILE UNITS FOR DISPENSING CONTROLLED SUBSTANCES

The act allows practitioners authorized to prescribe controlled substances (e.g. methadone) to dispense them for patient treatment from a mobile unit at a different location than the one they used for Department of Consumer Protection (DCP) controlled substances registration and Prescription Drug Monitoring Program access, if they:

1. notify DCP, in a manner the commissioner prescribes, of the intent to transport the controlled substances;
2. after dispensing the controlled substances, return any remaining amount to a secure location at the address provided to DCP; and
3. report to the Prescription Drug Monitoring Program any dispensing of these substances done somewhere other than the address provided to DCP.

Under the act, if the practitioner is unable to return any remaining amount of the controlled substances to the address, the commissioner may approve an alternate location if it is also approved by the federal Drug Enforcement Agency.

§ 4 — MULTICARE INSTITUTIONS

The act allows multicare institutions to provide behavioral health services or substance use disorder treatment services to patients in a mobile narcotic treatment program (see BACKGROUND).

Existing law authorizes the institutions to provide these services at a satellite unit or other off-site location, so long as they provide the Department of Public Health a list of these locations on their initial or licensure renewal application.

By law, multicare institutions include hospitals, psychiatric outpatient clinics for adults, free-standing facilities for

substance abuse treatment, psychiatric hospitals, or general acute care hospitals that provide outpatient behavioral health services that (1) have more than one facility or one or more satellite units owned and operated by a single licensee and (2) offer complex patient health care services at each facility or satellite unit.

§ 7 — DMHAS OPIOID USE DISORDER PILOT PROGRAM

Existing law requires DMHAS to establish a pilot program, within available appropriations, in up to five urban, suburban, and rural communities to serve individuals with opioid use disorder. The act extends, by one year until January 1, 2023, the date by which DMHAS must do so.

The act correspondingly extends by one year, until January 1, 2024, the date by which the DMHAS commissioner must report to the Public Health Committee on the pilot program, including its success and any recommendations to continue or expand it.

Under existing law, each community participating in the pilot program must form a team of at least two peer navigators (see BACKGROUND) who must, among other things, (1) travel throughout the community to address the health care and social needs of individuals with opioid use disorder and (2) be trained on non-coercive and non-stigmatizing ways to engage these individuals, as determined by the DMHAS commissioner.

BACKGROUND

Mobile Narcotic Treatment Program

Under federal regulation, a mobile narcotic treatment program (NTP) is one that operates from a motor vehicle and serves as a mobile component of a registered NTP. It provides maintenance or detoxification treatment with Schedules II-IV controlled substances at a location remote from, but within the same state as, the registered NTP (21 C.F.R. § 1300).

Peer Navigator

By law, a "peer navigator" is a person with experience working with individuals with substance use disorder who (1) provides nonmedical mental health care and substance use services and (2) has a collaborative relationship with health care professionals authorized to prescribe medications to treat opioid use disorder.

PA 22-133—sSB 448
Public Health Committee

AN ACT REQUIRING THE DEVELOPMENT OF A PLAN CONCERNING THE DELIVERY OF HEALTH CARE AND MENTAL HEALTH CARE SERVICES TO INMATES OF CORRECTIONAL INSTITUTIONS

SUMMARY: This act requires the Department of Correction (DOC) commissioner, by January 1, 2023, to develop a plan for providing health care services to inmates at DOC correctional institutions (i.e., prisons or jails under the commissioner's jurisdiction), including mental health, substance use disorder, and dental care services.

The plan must include guidelines to implement several requirements that ensure, among other things, the following outcomes:

1. there are enough mental health therapists at each correctional institution to provide mental health care services to inmates;
2. these therapists prescribe psychotropic medication only under specified conditions;
3. each inmate receives an initial health assessment and, when clinically indicated, an annual physical exam and an exit interview about a medical discharge plan;
4. inmates generally have access to vaccines that are licensed or authorized under an emergency use authorization;
5. each inmate generally receives an annual dental screening and dental care as set forth in a dental care plan;
6. a medical professional interviews each inmate, at entry, on their drug and alcohol use history, and correctional institutions immediately transfer inmates to an appropriate area for treatment if they are in withdrawal; and
7. the York Correctional Institution provide inmates who are pregnant with prenatal visits at a frequency consistent with community standards.

Under the act, by February 1, 2023, the commissioner must report to the Public Health and Judiciary committees on the plan along with recommendations for any legislation needed to implement it and an implementation timeline.

EFFECTIVE DATE: Upon passage

DOC PLAN FOR INMATE HEALTH CARE SERVICES

Under the act, the DOC commissioner's required plan for health care services must include guidelines for implementing requirements in several areas, set forth below.

Mental Health Services (§ 1(b)(1))

The act's plan must include several requirements related to mental health care at correctional institutions.

The plan must require that there are enough mental health therapists, as the commissioner determines, at each correctional institution to provide mental health care services to inmates. Under the act, "mental health therapists" are psychiatrists, psychologists, advanced practice registered nurses (APRNs) specializing in mental health, clinical or master social workers, or professional counselors.

Under the plan, when an inmate requests, or correctional staff refer an inmate to, mental health services, the mental health therapist must conduct an assessment to determine whether the services are needed before providing them. The mental health therapists' services must align with the (1) security needs of all inmates and correctional staff and (2) institution's overall operation, as the warden determines.

Psychotropic Medication. Under the act, for mental health therapists who are licensed to prescribe medication, the required plan must prohibit them from prescribing psychotropic medication to an inmate unless several conditions are met. A "psychotropic medication" is one used to treat a mental health disorder that affects behavior, mood, thoughts, or perception.

The required conditions are as follows:

1. Mental health and medical history: the therapist must have reviewed the inmate's medical and mental health history, including current medications.
2. Risk-benefit determination: the therapist must determine, based on the review of the inmate's medical and mental health history, that the benefits of prescribing the medication outweigh the risks of doing so.
3. Mental health diagnosis or emergency assessment: (a) the therapist must diagnose the inmate with a mental health disorder; (b) the inmate has a previous diagnosis of a mental health disorder (from a psychiatrist or an APRN specializing in mental health), and the medication is used to treat that disorder; or (c) in an emergency, the therapist determines that the inmate's mental health is substantially impaired and psychotropic medication is needed.
4. Medication approval under treatment plan: the therapist must approve the medication as part of the inmate's mental health treatment plan.
5. Recordkeeping: the therapist must keep a record of (a) each psychotropic medication prescribed to the inmate and (b) all other medications the inmate is taking.

Health Assessments and Physical Exams (§ 1(b)(2)-(5))

Under the act's required plan, each inmate must receive an initial health assessment from a medical professional (i.e., a physician, APRN, physician assistant (PA), or a registered or practical nurse) within 14 days after the inmate's intake into the institution. Based on that assessment, if a physician, PA, or APRN recommends that the inmate be placed in a medical or mental health housing unit, then DOC must ensure that this happens unless there are significant safety or security reasons to not do so.

The act's plan also must require that inmates receive annual physical exams, when clinically indicated, from a physician, PA, or APRN. These exams may include (1) a breast and gynecological exam or prostate exam, where appropriate, and (2) any test the provider finds appropriate.

Under the required plan, medical professionals must perform inmate health assessments in a location at the institution that the warden finds appropriate. Any samples collected during the assessment may be sent to an outside laboratory for analysis.

Exit Interview With Discharge Planner (§ 1(b)(6))

The act's plan must require a discharge planner to conduct an exit interview of each inmate before the inmate's discharge if it is clinically indicated. But if this does not occur, then the scheduled discharge cannot be delayed. During the interview, the discharge planner must discuss any recommendations from a physician, PA, or APRN for continued medical care or treatment for the inmate when back in the community.

Under the act, the discharge planner must be a registered or practical nurse, clinical or master social worker, or professional counselor.

Physician on Call (§ 1(b)(7))

Under the act's required plan, a physician must be on call on weekends, holidays, and outside regular work hours to give needed medical care to inmates.

Vaccinations (§ 1(b)(8))

Under the act's required plan, the DOC commissioner generally must ensure that inmates have access to all vaccines licensed or authorized under an emergency use authorization by the federal Food and Drug Administration that are recommended by the National Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP). This applies (1) subject to vaccine availability and (2) unless there are substantial security concerns with providing access to these vaccines.

Subject to availability, if an inmate requests such a vaccine and a physician, PA, or APRN determines that ACIP recommends it for the inmate, then that provider must prescribe it for the inmate unless doing so would impose significant safety concerns.

Dental Care (§ 1(b)(9))

The act's plan must require that, except in exigent circumstances, inmates receive a dental screening, conducted by a dental professional, within one year after first entering the institution and at least annually after that. For these purposes, dental professionals are dentists, dental hygienists, and dental assistants.

Under the plan, the dental professional must develop a dental care plan for the inmate when performing the screening. The inmate must receive dental care, per the care plan, throughout the inmate's time at the institution. The DOC commissioner, in consultation with a dentist, must ensure that each correctional institution has a dental exam room that is fully equipped with all necessary equipment to perform dental exams.

HIV Testing (§ 1(b)(10))

The act's plan must require a medical professional to administer an HIV test to each inmate who requests it, subject to test availability. Except in exigent circumstances and subject to test availability, these professionals also must offer an HIV test to each inmate where it is clinically indicated (1) when the inmate enters a correctional institution or (2) during an annual physical assessment.

Substance Use Disorder Services (§ 1(b)(11)-(13))

Under the act's required plan, a medical professional must interview inmates about their drug and alcohol use history when they first enter the institution. If the inmate shows drug or alcohol withdrawal symptoms at that time, a medical professional must perform a physical assessment and communicate the results to a physician, PA, or APRN. Except in exigent circumstances, a drug and alcohol counselor must also evaluate the inmate within five days after first entry.

The plan must require correctional institutions to immediately transfer an inmate to an appropriate area for medical treatment if a physician, PA, or APRN determines the inmate is in withdrawal. One of these providers must periodically evaluate each inmate who shows signs of or discloses drug or alcohol addiction or who is in withdrawal. The provider must decide how often to do these evaluations.

Under the plan, a physician, PA, or APRN with experience in substance use disorder diagnosis and treatment must oversee the medical treatment of inmates in withdrawal. A medical professional must be in the medical unit whenever these inmates get medical treatment.

For inmates who show signs of or disclosed an addiction to drugs or alcohol, the plan must require a drug and alcohol counselor to (1) offer substance use disorder counseling services, including individual and group sessions, and (2) encourage participation in at least one session. At discharge, a discharge planner (see above, *Exit Interview With Discharge Planner*) may refer these inmates to a substance use disorder treatment program in the community that the discharge planner finds appropriate.

Specific Services for Pregnant Inmates (§ 1(b)(14)-(15))

The act's plan must also include certain requirements for pregnant inmates at the York Correctional Institution, the state's only correctional facility for females.

Under the plan, York must provide inmates who are pregnant and drug- or alcohol-dependent with information on the (1) dangers of undergoing withdrawal without medical treatment, (2) importance of treatment for withdrawal during the second trimester, and (3) effects of neonatal abstinence syndrome on a newborn (i.e., conditions caused by withdrawal from drug exposure in the womb).

The plan also must require York to provide inmates who are pregnant with prenatal visits at a frequency that an obstetrician determines is consistent with community standards.

Medical School Residency Training (§ 1(b)(16))

Under the act's required plan, DOC must issue a request for information for medical schools to apply to provide practical training at correctional institutions as part of a medical residency program in which participating residents provide inmates with health care services.

BACKGROUND

DOC Policies

DOC Administrative Directive 8.1 requires DOC, either directly or through agents, to provide inmates with health care services that meet community standards. It lists several categories of services that DOC's contracted health services provider must provide (e.g., sick call and emergency services, pharmacy services, dental care, mental health services, and discharge planning). Among various other provisions, the directive requires that (1) staff conduct a comprehensive health screening before placing a newly admitted inmate into the general population and (2) inmates receive periodic health assessments as determined by the responsible physician. (Specific types of assessments or examinations are required in certain situations.)

Other DOC directives give more detail about certain types of medical services for inmates, such as dental services, mental health services, and psychoactive medication.

Related Act

PA 22-118, § 207, requires the DOC commissioner, in consultation with DMHAS and the Judicial Department, to annually evaluate substance use disorder and mental health screening, diagnostic, and treatment services available to inmates.

PA 22-140—sSB 369
Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO DEVELOPMENTAL SERVICES STATUTES

SUMMARY: This act makes various changes in the Department of Developmental Services (DDS)-related statutes. Specifically, it does the following:

1. allows the DDS commissioner to require anyone applying for a job with an individual funded by DDS for self-directed services to submit to a check for substantiated complaints in the Department of Children and Families child abuse and neglect registry (§ 1);
2. specifies that the governor's physician appointee to the Council on Developmental Services must be a Connecticut-licensed physician or psychiatrist, rather than a physician generally as under prior law (§ 2);
3. specifically allows the DDS commissioner's designee, rather than just the commissioner, to perform various tasks related to the probate court process when someone files a petition to place a person with DDS for services (§ 3);
4. requires DDS to encourage DDS-licensed residential facility owners to adopt standards and practices when building new residential facilities that (a) promote energy efficiency and (b) include environmentally friendly construction materials and techniques (§ 4);
5. allows DDS-licensed residential facilities to participate in specified energy use assessment programs, and requires

the commissioner to report on the assessments' findings (§ 4);

6. repeals laws (a) requiring DDS to, among other things, coordinate family support services for children with disabilities and (b) establishing the Family Support Council (§§ 5, 6 & 12); and
7. increases, from $101,000 to $125,000, the cost allowance cap for executive director salaries in state agencies' calculations of grants to private agencies that provide employment opportunities, day services, or residential facility services (§§ 7, 8 & 13).

Additionally, the act requires funds invested in, contributed to, or distributed from an "Achieving a Better Life Experience" (ABLE) account to be disregarded when determining someone's eligibility for certain cash assistance programs (§ 9). The act also makes minor and technical changes to the ABLE statutes, codifying recent changes to federal regulations (§§ 10 & 11).

The act also makes other technical and conforming changes.

EFFECTIVE DATE: July 1, 2022, except the provisions (1) on energy efficiency and related assessments and executive director salaries take effect upon passage and (2) repealing certain family support services laws and the Family Support Council take effect October 1, 2022.

§ 3 — DDS COMMISSIONER DESIGNEE IN PROBATE COURT PROCESS

By law, any interested party may file a probate court petition to place a person with intellectual disability with DDS in the least restrictive, appropriate setting subject to various conditions and procedural requirements. The act specifically allows the DDS commissioner's designee, rather than just the commissioner, to perform various tasks associated with this process and makes related changes. For example, it allows the commissioner to designate someone to (1) receive notice from the court on the required hearing, (2) appoint an interdisciplinary team to evaluate the petition's subject and make related determinations, and (3) make specified determinations if DDS receives a report that a person meets standards indicating they may need immediate care and treatment.

§ 4 — ENERGY EFFICIENCY STANDARDS AND ASSESSMENTS

The act requires DDS to encourage DDS-licensed residential facility owners (i.e., community living arrangements or community companion homes) to adopt standards and practices when building new residential facilities that (1) promote energy efficiency and (2) include environmentally friendly construction materials and techniques.

The act permits any DDS-licensed residential facility to participate in energy use assessment programs under the state's Conservation and Load Management Plan. And it requires the facility's owner or operator, or his or her designee, to give DDS a copy of any energy assessment report it receives no later than 10 days after receipt. The report copies provided to DDS are not subject to disclosure under the Freedom of Information Act.

The act requires the DDS commissioner, by July 1, 2023, to report to the Public Health Committee on the (1) findings of the energy assessments done on these facilities and (2) their recommended energy efficiency improvements.

§§ 5, 6 & 12 — FAMILY SUPPORT SERVICES

The act repeals laws requiring DDS to (1) coordinate family support services for children with disabilities (e.g., developmental disabilities or a moderate, severe, or profound educational disability); (2) within available appropriations, promote the statewide availability of these services; and (3) coordinate with other state, regional, and local agencies to help families access alternative sources of government funds before using funds appropriated for these services.

The act also repeals the law establishing the Family Support Council, which prior law charged with, among other things, providing specified assistance to DDS and other state agencies that administer or fund family support services. (In practice, the council has not met in several years.) The act makes conforming changes, including removing the Family Support Council president, or the president's designee, from the state's Long-Term Care Advisory Council.

§§ 7, 8 & 13 — COST ALLOWANCE CAP FOR EXECUTIVE DIRECTOR SALARIES

The act increases, from $101,000 to $125,000, the cost allowance cap for executive director salaries in the DDS', Department of Mental Health and Addiction Services', Department of Social Services', and other state agencies' calculations of grants to private agencies that provide employment opportunities, day services, or residential facility services. (The prior cost allowance cap reflected a one-time, 1% cost of living adjustment.)

Beginning July 1, 2022, the act allows the cap to increase annually up to any percentage cost-of-living increase provided in the departments' contracts with these agencies.

§§ 9-11 — ABLE ACCOUNTS

The act requires funds invested in, contributed to, or distributed from an ABLE account to be disregarded when determining someone's eligibility for the (1) state-administered general assistance program (SAGA) or (2) optional State Supplement Program (SSP). For SSP, the disregard only applies to the extent the federal Supplemental Security Income (SSI) program allows.

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." SSP provides cash assistance to individuals who are aged, blind, and disabled and (1) receive federal SSI benefits or (2) would be eligible for SSI, but for excess income.

Existing law requires ABLE account funds to be disregarded when determining eligibility for certain other programs, including temporary family assistance.

The act also makes minor and technical changes to the ABLE statutes, codifying recent changes to federal regulations, including those that do the following: (1) establishing a hierarchy of individuals authorized to open an ABLE account for an eligible individual and (2) allowing eligible individuals to self-certify their disability status when opening an ABLE account to the satisfaction of the U.S. Treasury secretary (26 C.F.R. § 1.529A-2(c)(1)).

By law, the ABLE program provides tax advantaged savings accounts to help individuals and their families save private funds to pay for certain expenses related to disability or blindness (see BACKGROUND).

Opening an Account

Under the act, an eligible individual, or a person he or she selects, may open an ABLE account for that individual. If the eligible individual is unable to open an account (presumably due to mental or physical incapacity), the act authorizes the following individuals to do so on the eligible individual's behalf, in the following order: (1) the individual's agent under a power of attorney; (2) a conservator or legal guardian; (3) a spouse, parent, sibling, or grandparent; or (4) a representative payee appointed by the U.S. Social Security Administration.

Under prior federal regulations, only the eligible individual or his or her parent, guardian, or agent under a power of attorney could open an ABLE account.

Disability Self-Certifications

The act allows an eligible individual to self-certify, under penalty of perjury, his or her disability status when opening an ABLE account. Under the act, the disability self-certification must do the following to the U.S. Treasury secretary's satisfaction:

1. certify that the individual is blind or has a medically determinable physical or mental impairment that (a) results in marked and severe functional limitations and (b) can be expected to result in death or will last for at least 12 months;
2. certify that the impairment or blindness occurred before age 26;
3. certify that the person establishing the account is the designated beneficiary or is authorized to establish the account; and
4. include the diagnostic code for the individual's impairment.

By law, perjury is a class D felony (CGS § 53a-156, see Table on Penalties).

BACKGROUND

Federal Law

The federal ABLE Act (P.L. 113-295) allows states to establish and maintain qualified ABLE programs to do the following:

1. encourage and help individuals and families save private funds to support individuals with disabilities to maintain health, independence, and quality of life and
2. provide secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not replace, benefits provided through private insurance, Medicaid, SSI, employment, and other sources.

Generally, under federal law, qualified ABLE programs are exempt from federal taxation, and funds in ABLE accounts may not be considered when determining eligibility for benefits or assistance programs authorized by federal law unless the funds exceed $100,000.

PA 22-7—SB 162
Public Safety and Security Committee

AN ACT CONCERNING FEES CHARGED BY INDEPENDENT CONTRACTORS THAT PROCESS CRIMINAL HISTORY RECORDS CHECKS

SUMMARY: By law, the Department of Emergency Services and Public Protection commissioner may enter into agreements with independent contractors to electronically take and transmit fingerprints and demographic information to the State Police Bureau of Identification (SPBI) for processing criminal history records checks. This act (1) eliminates the requirement that the commissioner require these contractors to collect and remit the statutory fingerprinting fee ($15) to SPBI and (2) increases, from $15 to $30, the maximum convenience fee the commissioner may authorize the contractors to charge for fingerprinting.
EFFECTIVE DATE: July 1, 2022

PA 22-9—sSB 217
Public Safety and Security Committee

AN ACT ESTABLISHING A HATE CRIMES INVESTIGATIVE UNIT WITHIN THE DIVISION OF STATE POLICE AND REQUIRING DEVELOPMENT OF A REPORTING SYSTEM, BEST PRACTICES AND A MODEL INVESTIGATION POLICY FOR LAW ENFORCEMENT UNITS REGARDING HATE CRIMES

SUMMARY: This act requires the Department of Emergency Services and Public Protection (DESPP) commissioner to establish a Hate Crimes Investigative Unit within the State Police. It makes the unit responsible for (1) working to prevent and detect certain crimes that are generally based on bigotry or bias against a race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression (i.e., hate crimes) and (2) compiling, monitoring, analyzing, and sharing data about them. Specifically, the act applies to hate crimes involving deprivation of rights, desecration of property, ridiculing, threatening, stalking, and intimidation. These provisions replace prior law's requirements that the State Police monitor, record, and classify all crimes motivated by bigotry or bias.

The act also broadens reporting of bigotry- or bias-motivated crimes by local law enforcement entities. Prior law required them to monitor, record, classify, and report intimidation crimes motivated by bigotry or bias to the State Police. Under the act, they, along with other state and tribal law enforcement, must instead (1) report on the broader list of crimes covered by the act and (2) do so using a standardized form or other reporting system created by the Police Officer Standards and Training Council (POST). The act also requires POST to develop related best practices and other administrative materials to help share information.

Lastly, the act requires the head of the Hate Crimes Investigative Unit to serve as a member of the Statewide Hate Crimes Advisory Council (see BACKGROUND), whose membership the act expands to include this position.
EFFECTIVE DATE: July 1, 2022, except the provision eliminating the prior responsibilities of the State Police and local law enforcement to monitor and record certain bigotry- or bias-motivated crimes is effective January 1, 2023.

HATE CRIMES INVESTIGATIVE UNIT DUTIES

Under the act, the Hate Crimes Investigative Unit is responsible for seeking to prevent and detect actual or suspected criminal activity involving the following crimes:

1. deprivation of rights or desecration of property (CGS §§ 46a-58, 53-37a & 53-37b);
2. certain ridiculing, threatening, and stalking actions (CGS §§ 53-37, 53a-61aa, 53a-62(a)(3) & 53a-181c(a)(4)); and
3. intimidation based on bigotry or bias (CGS §§ 53a-181j, 53a-181k & 53a-181*l*).

Relatedly, the unit must compile, monitor, and analyze data about these criminal activities. It must also share data and information with other law enforcement units to help with their investigations of the same criminal activities, and it may provide additional help with those investigations.

The act requires the (1) DESPP commissioner to assign enough personnel to the Hate Crimes Investigative Unit to fulfill these duties and (2) head of the unit to be a sergeant or higher rank.

POST REQUIREMENTS

By November 1, 2022, POST, in consultation with the DESPP commissioner and the Statewide Hate Crimes Advisory Council, must do the following:

1. develop and send out a standardized form or other reporting system to law enforcement units to make a notification or report about the above criminal activities;
2. develop best practices for information sharing between the Hate Crimes Investigative Unit and law enforcement units;
3. take necessary actions to inform the public on how to report these criminal activities, such as establishing state and municipal telephone hotlines and websites for making reports; and
4. develop a model policy for investigating hate crimes.

LAW ENFORCEMENT UNIT REPORTING

Prior law required town police departments, resident state troopers, and constables performing law enforcement duties to monitor, record, and classify certain crimes involving intimidation based on bigotry or bias that were committed in their towns and report them to the State Police.

The act eliminates these requirements and instead requires, starting January 1, 2023, all law enforcement units (see BACKGROUND) to use POST's standardized form or other reporting system to submit a notice and report to the Hate Crimes Investigative Unit within 14 days after receiving a notice, information, or a complaint of the criminal activities described above. Each unit must also continue to share information about its investigations with the Hate Crimes Investigative Unit according to the best practices developed by POST.

BACKGROUND

Statewide Hate Crimes Advisory Council

By law, this council is responsible for making annual recommendations for legislation about hate crimes to the Judiciary and Public Safety committees. Additionally, the council must meet at least twice a year to encourage and coordinate programs to increase the community awareness, reporting, and combating of hate crimes. It is within the Office of the Chief State's Attorney for administrative purposes only (CGS § 51-279f).

Law Enforcement Units

By law and 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 (CGS § 7-294a).

PA 22-43—sSB 256
Public Safety and Security Committee
Judiciary Committee

ACT CONCERNING CATALYTIC CONVERTERS

SUMMARY: This act makes several changes concerning the receipt and sale of catalytic converters. These changes affect motor vehicle recyclers, scrap metal processors, junk dealers, junk yard owners and operators, and motor vehicle repair shops.

For motor vehicle recyclers, the act generally prohibits them from (1) receiving a catalytic converter unless it is attached to a vehicle and (2) selling or transferring a converter unless they affix or write a stock number onto it.

For scrap metal processors, junk dealers, and junk yard owners and operators (collectively, "salvagers"), the act establishes several recordkeeping requirements and other conditions for receiving an unattached catalytic converter. Among other things, it prohibits anyone other than a motor vehicle recycler or motor vehicle repair shop from selling more than one unattached converter to a salvager in a day.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2022

§ 1 — RESTRICTIONS ON MOTOR VEHICLE RECYCLERS

The act eliminates a prior law that (1) prohibited motor vehicle recyclers from receiving a vehicle's catalytic converter unless the seller provided proof that he or she owned the vehicle or was the owner's authorized agent and (2) required recyclers to keep copies of the proof with their records. It instead (1) requires recyclers to keep copies of the written record they must create under the act (see below) and (2) prohibits recyclers from receiving a vehicle's catalytic converter unless it is attached to a vehicle and received in compliance with existing state law. By law, recyclers cannot receive a vehicle unless they concurrently receive (1) the vehicle's title certificate, if it must have title, or (2) a copy of the vehicle's title certificate made by an insurance company under state law.

Additionally, the act prohibits motor vehicle recyclers from selling or transferring a catalytic converter unless the recycler does the following:

1. detaches the converter from a vehicle that was received in compliance with the above law;
2. affixes or writes a stock number onto the converter;
3. creates a written record that includes the (a) recycler's name, address, telephone number, and license number and (b) converter's corresponding vehicle identification number (VIN) and stock number; and
4. keeps one copy of the record and gives another copy to the purchaser or transferee.

The act provides the same penalties for violations of the act's provisions that apply to violations of existing law described above. The motor vehicles commissioner may, after notice and hearing, impose a civil penalty of $100 to $500 for each violation. She may also suspend the recycler's license (see CGS § 14-67p). In addition, violations of motor vehicle recycler laws are punishable as class C misdemeanors (see Table on Penalties) (CGS § 14-67v).

§ 2 — RESTRICTIONS FOR SALVAGERS

Receipt of Unattached Catalytic Converters by Salvagers

The act prohibits salvagers from receiving a catalytic converter unattached from a vehicle from anyone other than a motor vehicle recycler or motor vehicle repair shop unless they concurrently do the following:

1. record the place and date of the transaction, a description of the converter (including item type and any identification number), and the amount paid for the converter;
2. record (a) a description of the seller and the seller's name, residence address, and driver's license or identity card number or (b) if the seller is a business, its name, address, and telephone number;
3. record the license plate of the vehicle used to transport the converter;
4. obtain a statement from the seller (a) that the seller is the converter's owner or (b) identifying the name of the person from whom the seller obtained the converter as shown on a signed transfer document; and
5. take a clear photograph or video of the seller, the seller's driver's license or identity card, and the converter.

In the case of motor vehicle recyclers, the act prohibits salvagers from receiving an unattached catalytic converter from them unless the following occurs:

1. the recycler has affixed or written a stock number on the converter and
2. at the time of receipt, they (a) receive a written statement on the recycler's letterhead that includes the converter's stock number and the corresponding VIN number for the vehicle from which it was detached and (b) take a clear photograph or video of the recycler's employee who is transferring the converter and the employee's driver's license or identity card.

In the case of motor vehicle repair shops, the act prohibits salvagers from receiving an unattached catalytic converter from them unless the following occurs:

1. the repair shop has (a) removed the converter from a vehicle it serviced and (b) affixed or written a stock number on the converter and
2. at the time of receipt, they (a) receive a written statement on the repair shop's letterhead that includes the converter's stock number, information on the vehicle from which the converter was detached (including its VIN and registration number), and a receipt for the services performed on the vehicle and (b) take a clear photograph or video of the repair shop's employee who is transferring the converter and the employee's driver's license or identity card.

If a transaction with a recycler or repair shop involves more than one converter, the act allows for a single written statement.

Sale of Unattached Catalytic Converters to and by Salvagers

The act prohibits anyone other than a motor vehicle recycler or motor vehicle repair shop from selling more than one unattached catalytic converter to a salvager in a day.

Under the act, salvagers may only pay a seller of an unattached catalytic converter by check. If the seller is a motor vehicle recycler or motor vehicle repair shop, the check must be payable to the recycler or repair shop. For all other sellers, the salvagers must either (1) send the check to the address provided by the seller at the time of receipt or (2) hold it at their place of business for collection by the seller at least three business days after the converter's purchase date.

The act restricts salvagers to only selling catalytic converters that they receive in compliance with the act's requirements. But it allows them to sell these converters without a daily limit.

The act requires them to submit to DESPP sworn statements of their catalytic converter transactions that (1) describe the property received; (2) set forth the nature and terms of each transaction; and (3) identify the seller's name, description, and residence address or, in the case of motor vehicle recyclers and motor vehicle repair shops, the recycler's or repair shop's name and address.

The act gives the DESPP commissioner discretion to require that these statements be submitted on a weekly basis or more often after considering the volume and nature of a processor's or dealer's business. The statements must be in an electronic format the commissioner sets; however, he may grant an exemption to this requirement if good cause is shown. The commissioner must include the submitted information in any database storing information on pawnbroker transactions.

Regulations and Penalties

The act requires the motor vehicles commissioner to adopt regulations on creating and keeping documents and other records required by the act. It also requires those documents and records to be open for inspection by law enforcement officials upon request during normal business hours.

Under existing law, it is a class C misdemeanor for anyone engaged in the business of a junk dealer to violate the junk dealer laws (CGS § 21-13). This also applies to violations of the act.

BACKGROUND

Definitions

By law, a "motor vehicle recycler" is any person, firm, or corporation engaged in the business of purchasing motor vehicles to dismantle them for parts or use their metal for scrap (Conn. Agencies Regs. § 14-67q-1).

A "scrap metal processor" includes any place of business or deposit that (1) has facilities for preparing and processing iron, steel, and nonferrous metals into a form suitable for remelting by a foundry, steel mill, or other remelter; (2) does not buy or receive motor vehicles from any person, firm, or corporation other than a motor vehicle recycler license holder or certain exempt public agencies; and (3) does not sell automobile parts for reuse as parts (CGS § 14-67w).

A "junk dealer" is any person engaging in business as a dealer and trader in junk, old metals, scrap, rags, waste paper, or other secondhand articles that are no longer serviceable for their original manufactured purpose (CGS § 21-9).

A "junk yard" is any place in or on which old metal, glass, paper, cordage, or other waste, or discarded or secondhand material, which has not been a part or is not intended to be a part of any motor vehicle, is stored or deposited (CGS § 21-9).

A "motor vehicle repair shop" is a new or used car dealer, repairer, or limited repairer, as defined in the motor vehicle statutes, or their agents or employees (CGS § 14-65e).

PA 22-64—sHB 5420
Public Safety and Security Committee
Appropriations Committee

AN ACT CONCERNING MENTAL HEALTH NEEDS OF AND SERVICES FOR POLICE OFFICERS, CERTAIN REQUIREMENTS REGARDING POLICE TRAINING AND CERTAIN REPORTS

SUMMARY: This act makes several changes in state law affecting law enforcement and related agencies, including POST, mainly about mental health (for both police officers and those with whom they interact). Principally, it does the following:

1. extends existing employment protections to certain police officers who seek or receive mental health care services after undergoing a required behavioral health assessment (§ 1);
2. eliminates police basic and review training on handling incidents involving a person affected with a serious mental

illness and replaces it with training on interacting with people who (a) have mental or physical disabilities or (b) are deaf, hard of hearing, or deaf-blind (§§ 2 & 7);
3. sets up a task force to study law enforcement officers' mental health needs (§ 3);
4. requires UConn's Institute for Municipal and Regional Policy, in consultation with the United Way of Connecticut, to submit a report to the Public Safety and Security Committee by January 1, 2023, that includes a study of a representative sample of 9-1-1 calls and analyzes the percentage of the calls that would be more appropriately directed to the 2-1-1 Infoline program (which the United Way of Connecticut operates) (§ 4);
5. requires a report on the use of online or remote technology by POST for police officer training after initial certification (§ 5); and
6. requires the Department of Mental Health and Addiction Services (DMHAS) to report to the legislature about the Community and Law Enforcement for Addiction Recovery project's status (§ 6).

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the repeal of incident training involving individuals with serious mental illness takes effect on October 1, 2023.

§ 1 — EMPLOYMENT PROTECTIONS

Existing law generally prohibits a law enforcement unit from discharging, disciplining, discriminating against, or penalizing a police officer it employs only because the officer, among other things, seeks or receives mental health care services. The act extends this protection to officers who seek or receive services due to a required behavioral health assessment. (By law police officers must submit to a behavioral health assessment at least every five years as a condition of continued employment (CGS § 7-291e).)

Under existing law and the act, the protection does not apply to officers who seek or receive mental health care services to avoid disciplinary action.

By law and 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 (CGS § 7-294a(8)).

"Police officers" are sworn members of an organized local police department or the State Police; appointed constables who perform criminal law enforcement duties; special police officers appointed under law (e.g., public assistance fraud investigators); or any members of a law enforcement unit who perform police duties (CGS § 7-294a(9)).

§§ 2 & 7 — OFFICER TRAINING CURRICULA

The act eliminates a requirement that state and local police basic and review training include a course on handling incidents involving a person affected with a serious mental illness (CGS § 7-294r). It instead requires POST to develop training curricula, by July 1, 2023, for police officers on interacting with people who (1) have mental or physical disabilities and (2) are deaf, hard of hearing, or deaf-blind. In developing both curricula, POST must first consult with individuals with these characteristics and advocates on their behalf. Beginning October 1, 2023, each police basic or review training program conducted or administered by POST, the State Police, or a municipal police department must include the new curricula.

Existing law, unchanged by the act, requires police basic and review training programs to include training on handling incidents involving juveniles and adults with autism spectrum disorder, cognitive impairment, or nonverbal learning disorder (CGS § 7-294h).

§ 3 — MENTAL HEALTH TASK FORCE

Purpose

The act creates an 11-member task force to study law enforcement officers' mental health needs. The task force must do the following:
1. examine these officers' mental health needs;
2. list the programs that serve or could be available to serve them;
3. identify barriers to accessing those programs, such as issues of confidentiality and disclosure of treatment information; and
4. make recommendations for policies, practices, and legislation to address these officers' mental health needs, encourage officers to access programs, and eliminate access barriers.

Under the act, the task force must submit a report with its findings and recommendations to the Public Safety and Security Committee by January 1, 2023.

Membership

The task force consists of the Department of Emergency Services and Public Protection and DMHAS commissioners and POST chairperson, or their respective designees; two gubernatorial appointments; and six legislative appointments. The table below provides the qualifications for the appointed members.

Task Force Appointments and Appointee Qualifications

Appointing Authority	*Appointee Qualifications*
Governor	A municipal police chief representing the Connecticut Police Chiefs Association A labor organization representative for sworn members of municipal police departments
House speaker	A representative from the Honor Wellness Center or another nonprofit organization that provides mental health treatment for police officers
Senate president pro tempore	A representative from the Connecticut Alliance to Benefit Law Enforcement or another nonprofit organization that trains police officers on mental health issues
House majority leader	A labor organization representative for sworn members of the State Police
Senate majority leader	A police officer from a municipal police department
House minority leader	A representative from the Police Officers Association of Connecticut
Senate minority leader	A police officer from a municipal police department

Under the act, the appointing authorities must make their appointments within 30 days after the act's passage (i.e., by June 22, 2022) and fill any vacancies. The legislative 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 task force's first meeting, which must be held within 60 days after the act's passage (i.e., by July 22, 2022).

Administration

The Public Safety and Security Committee's administrative staff serves as task force staff. The task force terminates when it submits its report or on January 1, 2023, whichever is later.

§ 5 — ONLINE POLICE TRAINING REPORT

Under existing law, POST may (1) develop an interactive electronic computer platform to administer training courses and (2) authorize police officers to complete certified review training at a local police department facility using the platform (CGS § 7-294d(a)(9)). The act requires POST, by January 1, 2023, to submit a report to Public Safety and Security Committee that does the following:

1. provides the implementation status of its interactive electronic computer platform;
2. describes any criteria it used to determine when officers may use the platform to complete certified review training;
3. determines whether any other police officer training that is required after initial certification may be done through

the platform or another online or remote format without compromising training quality; and
4. recommends any legislation necessary to carry out its findings.

§ 6 — COMMUNITY AND LAW ENFORCEMENT FOR ADDICTION RECOVERY REPORT

The act requires DMHAS to submit a report to the Public Safety and Security Committee by January 1, 2023, that examines its Community and Law Enforcement for Addiction Recovery project. The report must include (1) an analysis of whether the project has successfully achieved its goals, (2) recommendations on improving the project, and (3) whether it should be expanded throughout the state.

PA 22-66—SB 133
Public Safety and Security Committee

AN ACT ALLOWING POLICE OFFICERS TO WEAR RELIGIOUS HEAD COVERINGS AS PART OF A POLICE UNIFORM

SUMMARY: This act requires each law enforcement unit, by October 1, 2022, to adopt or amend a policy to allow its police officers to wear religious head coverings that correspond to their religious beliefs while on duty and wearing a uniform or other authorized attire, except where the unit requires its officers to use tight-fitting, protective headgear.

By law and 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 (CGS § 7-294a(8)).

"Police officers" are sworn members of an organized local police department or the State Police; appointed constables who perform criminal law enforcement duties; special police officers appointed under law (e.g., public assistance fraud investigators); or any members of a law enforcement unit who perform police duties (CGS § 7-294a(9)).
EFFECTIVE DATE: Upon passage

PA 22-75—HB 5175
Public Safety and Security Committee

AN ACT CONCERNING POLICE ACCESS TO INFORMATION RELATIVE TO FIRE OR EXPLOSION LOSSES AND REQUIREMENTS REGARDING SMOKE DETECTORS IN THE FIRE SAFETY CODE AND AFFIDAVITS ON TRANSFER OF RESIDENTIAL PROPERTY

SUMMARY: This act modifies various provisions about accessing and producing insurance company records relating to the company's investigation of certain property losses. Prior law generally allowed an "authorized agency," specifically, the Insurance Department commissioner and certain state and local fire marshals, to request and be given information from an insurance company's investigation into losses caused by fires of "suspicious" or incendiary origin. The act (1) expands the loss circumstances covered by these requests to include explosions and (2) specifies that they be of "undetermined," rather than "suspicious" origin (see BACKGROUND).

The act also expands the authorized agencies that may request the information to include federal, state, and local law enforcement officers authorized or charged with investigating fires or explosions where the fire or explosion actually took place, just as state and local fire marshals must be under existing law (§ 1).

Additionally, the act changes the requirements for affidavits that a transferor of a one- or two-family residence must give a transferee about the residence's smoke detection and warning equipment ("smoke detectors"), among other things. It also expands the properties for which this affidavit must be provided to include any one- or two-family residence, instead of just those for which a new occupancy building permit was issued before October 1, 2005 (§ 3).

Lastly, the act specifies that the Fire Safety Code must require smoke detectors in single and multi-family residences (§ 2). It also makes several conforming and technical changes.
EFFECTIVE DATE: October 1, 2022

§ 1 — INSURANCE COMPANY PROPERTY LOSS RECORDS

Requests by Authorized Agency

The act allows an authorized agency to request, in writing, that an insurance company release information related to the company's investigation of a loss or potential loss due to fire or explosion of undetermined or incendiary origin. Prior law allowed an authorized agency to make this request only if the loss or potential loss was due to fire of suspicious or incendiary origin.

By law, an authorized agency may request specified information, such as (1) an insurance policy relative to the loss, (2) policy premium records, (3) history of previous claims, and (4) other relevant material relating to the loss or potential loss.

Requirements on Insurance Companies

The act requires an insurance company that suspects that a fire or explosion loss was caused by undetermined or incendiary means to share relevant material acquired during its investigation with authorized agencies, respond to requests from these agencies, and permit any court-ordered inspection of its records concerning the policy relative to the loss. Prior law required the company to take these actions only for a fire loss it suspected was caused by incendiary means.

Requests by Insurance Companies

Under the act, an insurance company may ask an authorized agency to release information related to its investigation of fire or explosion loss of undetermined or incendiary origin. Prior law limited this to information related to a fire loss of suspicious or incendiary origin.

Testimony by Authorized Agencies

Under the act, any authorized agency personnel may be required to testify in certain civil cases on information the agency has on an explosion loss, in addition to civil cases pertaining to a fire loss as existing law requires.

§ 2 — SMOKE DETECTORS AND THE FIRE SAFETY CODE

Under prior law, the Fire Safety Code had to require smoke detectors in:

1. existing single and multi-family residences, regardless of when they were built, when a smoke detector is installed or replaced and
2. new single- and multi-family residences built on or after July 1, 2021.

The act eliminates this distinction and other related conditions. It instead specifies that the code must require smoke detectors in single and multi-family residences.

The act also eliminates a provision that the code must require that smoke detectors in these residences be capable of operating using any power source allowed in the standards adopted in the code.

§ 3 — SMOKE AND CARBON MONOXIDE DETECTOR AFFIDAVIT

Generally, under prior law, before transferring title to a one- or two-family residence that received a new occupancy building permit before October 1, 2005, the transferor (e.g., seller) had to either give the transferee (e.g., buyer) an affidavit certifying certain conditions or credit the transferee with $250 at the closing. The affidavit had to certify that the:

1. (a) building permit was issued on or after October 1, 1985, or (b) residence is equipped with smoke detectors that comply with specified requirements in the affidavit law (see below), and
2. residence is either (a) equipped with carbon monoxide detection and warning equipment that complies with the affidavit law's requirements 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 eliminates the limitation that this affidavit only be provided for residences that received a new occupancy building permit before October 1, 2005. It further requires that the transferor's affidavit certify that the residence's smoke detectors comply with the Fire Safety Code, State Fire Prevention Code, and State Building Code. It correspondingly eliminates the prior law's option to certify that the permit was issued on or after October 1, 1985, instead of certifying it complies with the affidavit law's requirements for smoke detectors.

Affidavit Law's Smoke Detector Requirements

As under existing law, the residence's smoke detectors must be:
1. able to sense visible or invisible smoke particles,
2. installed in accordance with the manufacturer's instructions and in the immediate vicinity of each bedroom, and
3. capable of providing an alarm suitable to warn occupants when activated.

The act additionally requires:
1. for residences issued a new occupancy building permit on or after October 16, 1989, that their smoke detectors be interconnected so that the activation of one smoke detector alarm in the residence causes all the alarms for all its smoke detectors to activate, and
2. for residences issued a new occupancy building permit on or after May 1, 1999, that smoke detectors be in all sleeping areas.

Under prior law, the smoke detectors could be battery-operated. The act limits this allowance to residences issued a new occupancy building permit before October 1, 1976, and otherwise requires that all other residences have their smoke detectors powered by the household electrical service.

BACKGROUND

Fire and Explosion Distinction

By law, the crime of arson can involve either a fire or an explosion (e.g., first degree arson (CGS § 53a-111)).

Classification of Fire Causes

The Connecticut State Fire Prevention and Fire Safety Codes are generally based on codes published by the National Fire Protection Association (NFPA). NFPA's *Standard Classifications for Fire and Emergency Services Incident Reporting* classifies ignition causes as (1) intentional, (2) unintentional, (3) failure of equipment or heat source, (4) act of nature, (5) cause under investigation, and (6) cause undetermined after investigation (NFPA 901 § 17.5.1.2 (2021 ed.)).

PA 22-95—SB 258 **(VETOED)**
Public Safety and Security Committee

AN ACT CONCERNING POLICE PATROL VEHICLES THAT REQUIRE DASHBOARD CAMERAS AND THE ACQUISITION OF A MINE-RESISTANT, AMBUSH-PROTECTED VEHICLE

SUMMARY: Under existing law, beginning July 1, 2022, each state and local law enforcement unit 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 (see BACKGROUND) (CGS § 29-6d(c)). This act would have modified the existing definition of "police patrol vehicle" to explicitly exclude the following types of vehicles: (1) administrative vehicles with a body camera-wearing occupant, (2) bicycles, (3) motor scooters, (4) all-terrain vehicles, (5) electric personal assistive mobility devices, and (6) animal control vehicles. It would have further excluded nonmotorized watercraft from the definition.

Existing law also prohibits law enforcement agencies (i.e., State Police and municipal police departments) from acquiring certain military equipment (i.e., controlled equipment), including mine-resistant ambush-protected vehicles (CGS § 7-294jj). Regardless of this law, the act would have allowed the West Haven municipal police department to acquire, by January 1, 2023, one mine-resistant ambush-protected vehicle from the Farmington municipal police department. The act specified that the West Haven municipal police department would have otherwise been subject to existing law for controlled equipment (e.g., law enforcement agencies that may keep controlled equipment may not use it for crowd management or intimidation tactics).

EFFECTIVE DATE: Upon passage, except the provision explicitly excluding certain vehicles from the "police patrol vehicle" definition would have been effective July 1, 2022.

BACKGROUND

Definitions

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. A "police officer" is a sworn member of a law enforcement unit or any member of that unit who performs police duties. 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 (CGS § 29-6d(a)).

PA 22-102—sHB 5305
Public Safety and Security Committee

AN ACT MAKING REVISIONS TO STATUTES RELATING TO FIREARMS PERMITS AND FIREARMS DEALERS

SUMMARY: This act makes the following changes in the gun permitting laws:

1. authorizes the chief executive officer (CEO) of any municipality without a police chief, rather than just a town's first selectman or borough's warden, to perform various firearms permitting and administrative functions or designate the resident state trooper or relevant state police officer to do so;
2. authorizes the Mohegan and Mashantucket Pequot police chiefs to issue temporary state handgun permits to applicants who are tribal reservation residents;
3. extends to the DESPP commissioner, for purposes of processing Connecticut handgun permits for nonresidents with a valid out-of-state gun permit, the same fingerprinting and positive identification procedures required under existing law for local officials processing temporary state handgun permit applications; and
4. requires the photograph that handgun permit holders must submit with their permit renewal applications to be a full-face photo and eliminates the requirement that it be notarized or date stamped (§ 5).

Additionally, the act authorizes the DESPP commissioner to impose a civil penalty of up to $100 for violations of existing law's alarm system requirement for firearms dealers.
EFFECTIVE DATE: July 1, 2022

§ 1 — PENALTY FOR VIOLATIONS OF ALARM SYSTEM REQUIREMENT

The act authorizes the DESPP commissioner, after notice and an opportunity for a hearing, to impose a civil penalty of up to $100 for violations of the alarm system requirement for firearms dealers. Under the act, each violation is a separate offense, and, in cases of continuing violations, each day is a separate offense subject to a total penalty of up to $4,900. The act also authorizes the commissioner to adopt regulations to implement the alarm requirement and penalty provisions.

By law, each retail business that sells firearms as a regular course of trade must have an alarm system on the premises if 10 or more firearms are stored or kept for sale. The alarm system must (1) be directly connected to the local police department or monitored by a central station and (2) activate upon unauthorized entry or system interruption. This requirement does not apply to people who sell or exchange firearms to enhance their personal collection or as a hobby, sell all or part of a personal collection, or sell firearms from their residence and keep 10 or fewer for sale (CGS § 29-37d(a)).

§ 2 — PERMIT ISSUANCE BY TRIBAL POLICE DEPARTMENTS

The act allows the police chiefs of federally recognized Native American tribes in the state with a "law enforcement unit" to issue temporary state handgun permits under the statutory permit approval process to applicants who are bona fide permanent residents of the tribal reservations. Under the act, if the tribal law enforcement unit accepts these applications, the police chief of any other law enforcement unit with jurisdiction over the tribal reservation may not issue the permits. Under prior law, tribal reservation residents were required to apply for these permits to the local official (police chief, borough warden, or first selectman) of the municipality in which the reservation is located.

By law, "law enforcement units" include the Mashantucket Pequot and Mohegan tribal police departments, which are governed under a memorandum of agreement (CGS § 7-294a).

§§ 2, 3 & 6-9 — FIREARMS PERMITTING BY LOCAL OFFICIALS

The act authorizes the CEO of any municipality (i.e., town, city, consolidated town and city, borough, or consolidated

town and borough) without a police chief to perform the functions described below, rather than just a town's first selectman or borough's warden. It also authorizes these municipal CEOs to designate the municipality's resident state trooper, or a state police officer from the State Police troop with jurisdiction over the municipality, to perform these functions.

The act applies these provisions to the laws on (1) issuing gun dealer and temporary state handgun permits and (2) receiving copies of receipts for handgun and long gun sales and transfers. It also makes conforming changes to the law requiring gun show promoters to notify the host town's local official of the show date, time, duration, and location.

§ 4 — FINGERPRINTING AND IDENTIFICATION REQUIREMENTS

By law, a nonresident with a valid out-of-state gun permit may apply directly to the DESPP commissioner for a Connecticut handgun permit. The act extends to the DESPP commissioner, for purposes of processing these permit applications, the same fingerprinting and positive identification procedures required under existing law for local officials processing temporary state handgun permit applications.

Under the act, the DESPP commissioner must take the fingerprints of nonresident handgun permit applicants or conduct other positive identification methods required by SPBI or the Federal Bureau of Investigation. If he determines that the applicant's fingerprints have previously been taken and the applicant presents identification that the commissioner determines is valid, he does not have to take the fingerprints again. The commissioner must record the date the fingerprints were taken in the applicant's file and, within five business days, forward the fingerprints or other positive identification to SPBI for criminal history checks.

PA 22-113—sHB 5253
Public Safety and Security Committee
Government Administration and Elections Committee

AN ACT CONCERNING DISCLOSURE OF GAMING VOLUNTARY SELF-EXCLUSION RECORDS AND ALLOWING SINGLE-USE STORED VALUE INSTRUMENTS TO BE USED TO FUND CERTAIN KENO AND LOTTERY ACCOUNTS

SUMMARY: This act allows the use of single-use stored value instruments (e.g., gift cards or value vouchers) bought from a lottery sales agent to fund a person's online gaming account for playing keno or lottery draw games through the state lottery's online platforms. Under the act, only cash or debit cards may be used to purchase these instruments.

The act also generally expands privacy protections for people participating in voluntary self-exclusion processes from gaming entities. These processes allow people to choose to limit their gaming account spending or block themselves from making an account or placing wagers.

Under existing law, the name and personally identifying information of participants in the Connecticut Lottery Corporation's (CLC's) voluntary self-exclusion process are generally exempt from disclosure under the Freedom of Information Act. The act extends this exemption to participants in the voluntary self-exclusion processes that (1) must be established with the gaming services provided by master wagering licensees (generally CLC and the Mashantucket Pequot and Mohegan tribes) and their associated licensed online gaming operators, online gaming service providers, and sports wagering retailers and (2) must be regulated by the Department of Consumer Protection (DCP). (Under existing regulations, the department must create and maintain a voluntary self-exclusion list, and online gaming operators and sports wagering retailers must submit certain requests for voluntary self-exclusion to DCP (Conn. Agencies Reg. § 12-865-23).)

However, under existing law, CLC may disclose the name and any relevant records, other than participation in its exclusion process, of a person who (1) claims a winning online lottery ticket, (2) claims or is paid a winning online or retail sports wager, or (3) is paid a fantasy contest prize. The act expands this exception to allow CLC to disclose when someone wins any lottery ticket. The act creates an additional exception to allow DCP and CLC to disclose the self-exclusion participants' information to the above gaming entities as necessary to achieve the purposes of the exclusion processes.

Lastly, the act makes conforming changes.

EFFECTIVE DATE: Upon passage

BACKGROUND

Definitions

By law, 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 (CGS § 12-850(22)).

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 (CGS § 12-850(23)).

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 (CGS § 12-850(30)).

PA 22-119—sSB 135
Public Safety and Security Committee
Appropriations Committee

AN ACT CONCERNING ACCREDITATION STANDARDS FOR LAW ENFORCEMENT UNITS

SUMMARY: This act makes several changes to the minimum standards and practices for administering and managing law enforcement units (see BACKGROUND), including eliminating a requirement that units obtain and maintain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) by 2025. Instead, by 2026, units must either (1) be certified as meeting the requirements for all three state-accreditation tiers the act requires POST to develop or (2) meet a higher level of accreditation standards from CALEA. Units and POST had related requirements leading up to 2025 under prior law and do as well up to 2026 under the act.

The act also requires that the minimum standards and practices include compliance with specific POST guidance on reporting procedures for police officer certificate suspension, cancellation, or revocation (i.e., POST General Notice 20-09). Under the act, if a law enforcement unit fails to comply with the guidance, then POST may revoke the unit's state-accreditation certificate of compliance.

Lastly, the act makes several conforming changes, including to the law on POST's authority and a prohibition on civil actions against a law enforcement unit for damages from failing to obtain and maintain the required certification or accreditation.

EFFECTIVE DATE: Upon passage

ADJUSTED MINIMUM STANDARDS AND PRACTICES

Prior law required POST and DESPP to jointly develop, adopt, and revise, as necessary, minimum standards and practices for administering and managing law enforcement units until they were to be sunset on December 31, 2024. Additionally, law enforcement units had to:

1. from January 1, 2019, until December 31, 2024, adopt and maintain (a) POST-DESPP's minimum standards and practices or (b) a higher level of accreditation standards developed by POST or CALEA; and
2. starting in 2025, obtain and maintain CALEA accreditation.

The act eliminates the sunset date on POST-DESPP developing, adopting, and revising their minimum standards and practices and requires POST to, within available appropriations, divide the minimum standards and practices into three state-accreditation tiers by January 1, 2023, thereby codifying POST's existing three-tiered accreditation structure.

Prior to the introduction of the tier structure, units must continue to adopt and maintain through December 31, 2022, (a) POST-DESPP's minimum standards and practices, as amended by the act, or (b) 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 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 unit administration, management, and operation	Higher minimum standards and practices for unit administration, management, and operation

	Tier I	***Tier II***	***Tier III***
Required Certification Dates	By January 1, 2023, and until December 31, 2023	By January 1, 2024, and until December 31, 2025	By January 1, 2026, and after

Under the act, during the above tier schedule, 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). The act makes conforming changes to extend to each tier the existing requirements for POST to (1) post on its website the standards and practices and distribute them to law enforcement units, (2) jointly review and certify unit compliance with DESPP, and (3) work with units to obtain the required certification or accreditation if they fail to do so.

BACKGROUND

Minimum Standards and Practices

The current version of the DESPP-POST minimum standards and practices is published within POST General Notice 20-04. By law, they must be based on CALEA standards and include standards and practices for:

1. bias-based policing,
2. use of force,
3. response to family violence crimes,
4. body camera use,
5. police misconduct complaints,
6. electronic defense weapons use,
7. eyewitness identification procedures,
8. notifications of death and related events, and
9. police pursuits.

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 22-120—SB 160
Public Safety and Security Committee

AN ACT CONCERNING INTEREST ON LOTTERY SALES AGENT DELINQUENCY ASSESSMENTS AND LOTTERY ADVERTISING

SUMMARY: This act requires that the interest charged on lottery sales agents' (i.e., licensed lottery ticket retailers') delinquency assessments be calculated using simple rather than compound interest, which was the prior practice (see BACKGROUND). By law, delinquency assessments are equal to 10% of the amount due or $10, whichever is greater, plus interest of 1.5% per month or part of a month from the due date to the payment date.

For delinquency assessments subject to compounding interest and outstanding on June 30, 2022, the act allows sales agents to request a hardship waiver from the DCP commissioner to reduce what is owed, by recalculating the interest owed using simple interest. Sales agents can apply beginning July 1, 2022.

Additionally, the act makes several changes concerning advertising by CLC. Existing law requires CLC to include a prominent and clear statement of the average chances of winning in each advertisement promoting lottery ticket purchases for its retail draw games. The act extends this requirement to its online lottery draw games and requires that the type font for this statement in any written digital or print advertising generally be at least 10% of the size of the largest font included in the ad. For digital advertising posted in a physical retail location however, the act requires the statement to be at least 10% of the size of the largest font displayed that applies to the specific game related to the statement.

Prior law required the above statement on advertisements (1) in newspapers, magazines, and brochures; (2) on posters;

and (3) on TV and radio that were at least 30 seconds long for one game. The act instead requires the following to include the odds statement: (1) digital and print advertisements, including social media, email communications, newspapers, magazines, brochures, and posters; (2) video advertisements; and (3) audio-only advertisements, except for ones that are less than 30 seconds long for the sale of tickets for online lottery draw games or online keno.

Lastly, the act makes technical changes.

EFFECTIVE DATE: July 1, 2022

BACKGROUND

Prior Practice Regarding Interest Charged

A May 5, 2010, declaratory ruling by the executive director for the former Division of Special Revenue held that CGS § 12-569 supports imposing delinquency assessments using compound interest calculations. (PA 11-51 eliminated the division and transferred its responsibilities to DCP.) DCP used compound interest calculations on delinquency assessments prior to this act.

Delinquency Assessments

By law, lottery sales agents are delinquent when they fail to remit money due from their lottery ticket sales by the settlement dates established by CLC. The CLC president is responsible for making delinquency determinations and notifying the DCP commissioner, who in turn must impose the delinquency assessments (CGS § 12-569; Conn. Agencies Regs. §§ 12-568a-1 and -12).

PA 22-130—sSB 370
Public Safety and Security Committee

AN ACT CONCERNING THE PERFORMANCE OF DUTIES BY PRIVATE INVESTIGATORS PRIOR TO REGISTRATION AND SECURITY GUARDS PRIOR TO LICENSURE

SUMMARY: This act sets conditions under which private detectives and private detective agencies may employ private investigator registration applicants to perform private investigator duties while their registrations are pending with the DESPP commissioner (§ 1). The act supersedes state regulations that require private detectives and private detective agencies to use DESPP-registered employees in fulfilling contracts with clients (Conn. Agencies Regs. § 29-161-3(a)).

Violators of the act's conditions for employing pending private investigator registrants are subject to the same $75 fine that applies to other violations of the private investigator registration law. By law, each distinct violation and each day's continuance of a violation are separate offenses (§ 1).

Under existing law, security services may employ security officer license applicants to perform security officer duties while their applications are pending with the DESPP commissioner if they meet certain training and other requirements. The act eliminates the requirement that the applicant work under the direct on-site supervision of a security officer with at least one year of experience in that role (§ 2).

The act also makes conforming changes.

EFFECTIVE DATE: Upon passage

PENDING REGISTRANTS PERFORMING PRIVATE INVESTIGATOR DUTIES

The act allows private investigator registration applicants to do private investigator work if the employing private detective or private detective agency conducts, or has a consumer reporting agency regulated under the federal Fair Credit Reporting Act conduct, a state and national criminal history records check and determines that he or she meets the existing statutory requirements to be registered as a private investigator. These requirements generally prohibit DESPP from registering anyone:

1. convicted of a felony, any sexual offense, or any crime involving moral turpitude (i.e., one that raises questions about his or her integrity and honesty);
2. denied a license issued under the investigative and security services laws for any reason except lack of minimum experience; or
3. whose license issued under those laws was revoked or is under suspension.

Under the act, the pending registrant's authority to work under these conditions ends when the DESPP commissioner grants or denies his or her pending registration application.

BACKGROUND

Investigative Services

Any person who engages in the business of, or solicits business as, a private detective, or makes representations to be, or advertises as, a private detective or as furnishing detective or investigating services must be licensed by the DESPP commissioner (CGS § 29-153).

A "private detective" is any person engaged in, or advertising as engaged in, the business of (1) investigating crimes; civil wrongs; the location, disposition, or recovery of property; or the cause of accidents, fire damage, or injuries to people or property; (2) providing personal protection to individuals; (3) conducting surveillance activity or background investigations; or (4) securing evidence for use before a court, board, officer, or investigation committee. It excludes people performing bona fide engineering services (CGS § 29-152u(4)).

A "private detective agency" is any person or business that charges to provide, or advertises as providing, or is engaged in the business of providing, private detectives and private investigators (CGS § 29-152u(5)).

A "private investigator" is an employee of a licensed private detective or private detective agency who performs services necessary to their business (CGS § 29-152u(6)).

Security Services

Any person who engages in the business of, or solicits business as, a security service must be licensed by the DESPP commissioner (CGS § 29-161g).

A "security service" is any person or business that charges to provide various crime prevention or protection services, including the (1) prevention or detection of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on the property the security service was hired to protect; (2) provision of patrol and armored car services; or (3) provision of guard dogs (CGS § 29-152u(8)).

A "security officer" is a licensed and registered person hired to safeguard and protect people and property by (1) detecting or preventing unlawful intrusion, entry, larceny, vandalism, abuse, arson, or trespass or (2) preventing, observing, or detecting unauthorized activity. A security officer may be employed by a (1) security service, or (2) non-security business as a uniformed employee who performs security work in an area of the business' premises to which the public has unrestricted access or access only by paid admission (CGS § 29-152u(7)).

PA 22-10—sSB 334
Transportation Committee

AN ACT MAKING THE COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TEST AVAILABLE TO CERTAIN INCARCERATED PERSONS

SUMMARY: This act requires the Correction and Motor Vehicles departments (DOC and DMV, respectively) to take certain actions to make the commercial driver's license (CDL) knowledge test available to incarcerated people who are (1) reentering the community within six months and (2) not subject to "disqualification" from driving a commercial vehicle or a driving privilege suspension, revocation, or cancellation in any state.

Specifically, the act requires the DOC commissioner to make available, as necessary, suitable space and technology for (1) CDL test preparation provided by or in conjunction with a regional workforce development board and (2) test administration. It also requires the DMV commissioner to assign personnel and provide other resources, as necessary, to administer the CDL test in writing or electronically at corrections facilities that the DOC and DMV commissioners deem appropriate. The commissioners must do these things by January 1, 2023.

Under the act, "disqualification" means the withdrawal of the privilege of driving a commercial vehicle due to (1) operating privilege suspension, revocation, or cancellation; (2) a determination that a person is no longer qualified to drive a commercial vehicle under federal standards; or (3) specified convictions or administrative actions (e.g., driving under the influence, using a motor vehicle in the commission of a felony).
EFFECTIVE DATE: October 1, 2022

PA 22-25—sSB 4
Transportation Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE CONNECTICUT CLEAN AIR ACT

TABLE OF CONTENTS:

Makes numerous changes to the CHEAPR program, including making the CHEAPR board advisory-only, modifying the board's membership, prioritizing program benefits to low-income individuals and residents of environmental justice communities, and extending eligibility to businesses, municipalities, nonprofits, and e-bikes; directs all of the greenhouse gas reduction fee and part of Regional Greenhouse Gas Initiative funds to the CHEAPR account

§§ 8 & 19 — EV REGISTRATION FEE

Eliminates the reduced registration fee for electric vehicles

§ 9 — REPORT ON CLEAN AIR ACT (CAA) FEE

Requires the OPM secretary to annually report on (1) the amount of CAA fee revenue collected and (2) state funds spent on implementing the CAA, improving air quality, and reducing transportation sector GHG

§ 11 — TRAFFIC SIGNAL GRANT PROGRAM

Requires DOT to establish a matching grant program to help municipalities modernize existing traffic signal equipment

§§ 12 & 13 — ZERO-EMISSION SCHOOL BUSES

Allows for 10-year school transportation contracts if the contract includes at least one zero-emission school bus; sets targets for converting school buses to zero-emission school buses; establishes a matching grant program for zero-emission school buses and charging infrastructure

§ 14 — MEDIUM- AND HEAVY-DUTY TRUCK VOUCHERS

Allows DEEP to establish a voucher program to support the use of zero-emission medium- and heavy- duty vehicles and funds the program from the CHEAPR account

§ 15 — MEDIUM- AND HEAVY-DUTY VEHICLE EMISSION STANDARDS

Authorizes the DEEP commissioner to adopt regulations implementing California's medium- and heavy-duty motor vehicle standards

§ 16 — SOLAR PANELS IN PLANNED COMMUNITY ASSOCIATIONS

Prohibits planned community associations from adopting or enforcing rules that effectively prohibit unit owners from installing solar panels on their own units' roofs

BACKGROUND

SUMMARY: This act makes various statutory changes and establishes several new programs and initiatives intended to increase electric vehicle (EV) use, improve air quality, and reduce transportation-related greenhouse gas (GHG) emissions. Major components include:

1. establishing grant programs for traffic signal modernization, zero-emission school buses, and zero-emission medium- and heavy-duty trucks;
2. allowing the Department of Energy and Environmental Protection (DEEP) commissioner to adopt California's emission standards for medium- and heavy-duty vehicles;
3. providing property tax exemptions for zero-emission buses and certain EV charging infrastructure;
4. modifying the Connecticut Hydrogen and Electric Automobile Purchase Rebate (CHEAPR) program by expanding eligibility, prioritizing incentives for environmental justice community residents and people with low incomes, allowing incentives for electric bicycles, and increasing its funding, among other things; and
5. establishing "right to charge" provisions for renters and unit owners in condominiums and common interest communities.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Various, see below.

§ 1 — STATE FLEET ELECTRIFICATION

Moves up deadlines for electrifying the state fleet, prohibits procurement of diesel-powered buses after January 1, 2024, and requires DOT and DAS to report certain information to the legislature

Cars and Light Duty Trucks

Prior law required that at least 50% of state-purchased or -leased cars and light duty trucks be zero-emission vehicles beginning January 1, 2030. The act eliminates this requirement and instead requires that battery electric vehicles comprise the following percentages of cars and light duty trucks purchased or leased by the state: (1) 50% by January 1, 2026, (2) 75% by January 1, 2028, and (3) 100% by January 1, 2030.

Under the act, a "battery electric vehicle" is a vehicle that operates solely by using a battery or battery pack, or that is powered primarily by an electric battery or battery pack and uses a flywheel or capacitor that stores energy produced by an electric motor or through regenerative braking to assist in vehicle operation.

The act also requires the Department of Administrative Services (DAS) to consider the lower cost of maintaining battery electric vehicles when establishing the amount to lease the vehicles to another state agency.

Report on Noncompliance. Under the act, if the state fleet does not meet the above requirements, DAS must report annually to the Government Administration and Elections (GAE), Transportation, and Environment committees beginning January 1, 2026. The report must (1) explain why the requirements were not met and (2) propose an alternative schedule to meet them, considering available appropriations and market conditions for battery electric vehicles and associated charging infrastructure.

Buses

The act prohibits the state from procuring, purchasing, or leasing diesel-fueled transit buses on and after January 1, 2024. Under existing law, at least 30% of state-purchased or -leased buses must be zero-emission buses on and after January 1, 2030.

Exemptions

The act exempts emergency vehicles, sport utility vehicles, buses or vans that transport individuals in wheelchairs, specialty upfitted motor vehicles, and camp trailers from (1) its fleet requirements and (2) fleet requirements in existing law (e.g., mileage ratings). Prior law exempted emergency vehicles only.

Study and Reporting

Prior law required DAS, in consultation with the Department of Transportation (DOT), to conduct a study and report certain information about zero-emission buses to the GAE and Transportation committees by January 1, 2020.

The act reinstates and modifies this requirement. It expands the reporting requirement by requiring the agencies to develop a plan to implement zero-emission buses statewide and identify barriers to implementation. It also eliminates the requirement that the agencies study the feasibility of a competitive bid process for total procurement of zero-emission vehicles and instead requires that they do so for light-, medium-, and heavy-duty battery electric vehicles and fuel cell electric vehicles. The act requires DAS to submit the study's results and a copy of the implementation plan to the committees by January 1, 2024.

EFFECTIVE DATE: October 1, 2022

§§ 2 & 3 — RIGHT TO CHARGE IN CONDOMINIUMS AND COMMON INTEREST COMMUNITIES

Establishes the "right to charge" in condominiums and common interest communities by voiding governing document provisions that unreasonably restrict EV charging installation in a unit or limited common element parking space; establishes requirements for processing applications and provisions applicable to charging station installation

The act establishes "right to charge" provisions for unit owners in condominiums (§ 2) and common interest communities (§ 3). Beginning October 1, 2022, it makes void and unenforceable any provision in declarations, bylaws, rules, or condominium instruments, as applicable ("governing documents"), that prohibit or unreasonably restrict installing EV charging stations in a unit or limited common element parking space.

An EV charging station is an electric component assembly or cluster of component assemblies designed specifically to charge batteries in EVs by permitting the transfer of electric energy to a battery or other storage device. Limited common

elements are portions of the condominium or common interest community designated as reserved for the use of one or more units, but not all units.

The act's right to charge provisions do not apply to condominiums and common interest communities (1) that impose "reasonable restrictions" on EV charging stations or (2) where the number of EV charging stations is at least 15% of the number of units. Reasonable restrictions are those that do not significantly increase an EV charging station's cost or decrease its efficiency or specified performance.

Under the act, EV charging stations in condominiums and common interest communities must meet all applicable health and safety standards and requirements under federal, state, or municipal law.

EFFECTIVE DATE: October 1, 2022

Application Processing

The act allows unit owners to apply to install an EV charging station to the applicable governing body (board of directors or executive board). If the parking space is located in a limited common element, the unit owner must have written approval from each owner of each unit that has reserved use of the limited common element parking space. The governing body must, in writing, (1) acknowledge the application within 30 days after receiving it and (2) approve or deny it within 60 days after receiving it. The governing body must process the application in the same way as the governing documents require for other additions, alterations, or improvements.

Under the act, unless the governing body reasonably requests additional information within the 60-day period for acting on an application, an application that is not denied in that timeframe is deemed approved.

Conditions for Approval

The act requires the governing body to approve an EV charging installation if the owner agrees in writing to do the following:

1. comply with the governing documents' provisions on an addition, alteration, or improvement;
2. have a licensed and insured contractor install the charging station;
3. provide a certificate of insurance within 14 days of approval that shows insurance coverage in amounts the board deems sufficient;
4. pay for the charging station's installation-associated costs (e.g., increased master policy premiums, association attorney's fees, engineering or professional fees, permits, and applicable zoning compliance); and
5. pay for the charging station's electricity usage.

Unit Owner Responsibilities

The act makes the EV charging station's unit owner and each successive owner responsible for the following:

1. costs for damage to the EV charging station, common elements, or units due to the station's installation, use, maintenance, repair, removal, or replacement;
2. costs to maintain, repair, and replace the EV charging station until its removal;
3. costs to restore the physical space where the charging station was installed after its removal;
4. associated electricity costs;
5. common expenses from uninsured losses under any master insurance policy the association holds on behalf of unit owners; and
6. disclosing to prospective buyers (a) the charging station's existence, (b) the associated responsibilities, and (c) that the purchaser accepts the charging station unless it is removed before the unit's transfer.

The act also specifies that a unit owner need not maintain liability coverage for an existing National Electrical Manufacturers Association standard alternating current power plug.

Permitted Association Actions

The act specifically authorizes associations to do the following:

1. install an EV charging station in the common elements to be used by all unit owners and develop appropriate rules for the station's use;
2. create a new parking space where one did not previously exist to facilitate installing an EV charging station;
3. require the unit owner to remove the EV charging station before the unit's sale unless the purchaser agrees to own it; and

4. assess the unit owner for any uninsured portion of a loss associated with an EV charging station, from a deductible or otherwise, regardless of whether the association submits an insurance claim.

Attorney's Fees

The act specifies that the prevailing party must be awarded reasonable attorney's fees in any action by an association seeking to enforce compliance with the act.

§ 4 — RENTERS' RIGHT TO CHARGE

Generally requires residential landlords to approve a tenant's written request to install an EV charging station at the tenant's dedicated parking space; staggers implementation of the requirement based on the landlord's number of units; specifies the contents and terms of the written request and the landlord-tenant agreement

The act generally requires landlords of dwelling units to approve a tenant's written request to install an EV charging station (see above) at the tenant's dedicated parking space if the request meets the act's requirements and the landlord's procedural approval process for property modifications. It specifies that landlords are not obligated to provide an additional parking space to a tenant to accommodate an EV charging station.

The act phases in this installation approval requirement based on the number of dwelling units a landlord has. Specifically, the requirement applies to agreements executed, extended, or renewed on or after (1) October 1, 2022, for landlords of 250 dwelling units or more, (2) October 1, 2023, for landlords of more than 50 but fewer than 250 units, and (3) October 1, 2024, for landlords of 50 or fewer units.

Under the act, a "dedicated parking space" is a parking space located within a tenant's separate interest, or a parking spot that is a common area but subject to an individual tenant's exclusive use rights. It includes a garage space, carport, or parking space specifically designated for a tenant's use. A "dwelling unit" is any house or building, or part of one, that is occupied or designed to be occupied, or is rented, leased, or hired out to be occupied as a residence.

The act also requires that EV charging stations, and all property modifications and improvements, comply with applicable state, federal, or municipal laws and zoning requirements, land use requirements, covenants, conditions, and restrictions.

EFFECTIVE DATE: October 1, 2022

Exceptions

The act's requirements do not apply to residential rental property where:

1. the dwelling unit has EV charging stations for tenants' use in at least 10% of designated parking spaces,
2. parking is not provided as part of the rental agreement,
3. there are fewer than five parking spaces,
4. the property's development is assisted by an allocation of Low Income Housing Tax Credits under federal tax law, or
5. the property is managed by a housing authority created under state law.

Request and Agreement

Under the act, a tenant's written request to install an EV charging station must indicate his or her consent to enter into a written agreement with the landlord that includes provisions on the following:

1. installing, using, maintaining, and removing the charging station and its infrastructure;
2. a complete financial analysis and scope of work for installing the charging station and its infrastructure;
3. payment to the landlord for any costs associated with the landlord's installation of the charging station and its infrastructure before any modification or improvement to the rental property (e.g., permitting, supervision, construction costs, performance bonds);
4. payment for the landlord's incurred costs associated with the charging station's electric usage and costs for damage, maintenance, repair, removal, and replacement of it (including changes or improvements to the rental property);
5. if another tenant will use the charging station, a requirement for the tenant who requested the station to enter into a cooperative agreement with the other tenant and the landlord about electricity metering procedures and each party's responsibilities and duties; specifies that costs, including attorney's fees, metering costs, and other fees

related to the agreement, are the tenants' responsibility;
6. maintaining a general liability insurance policy that covers the charging station and names the landlord as an additional insured, beginning on the date of construction approval and lasting until the tenant returns the unit to the landlord;
7. a requirement that the tenant (a) post a surety bond for the cost of removing the charging station or (b) allow the landlord to withhold all or part of a security deposit for any damages he or she suffers due to the tenant's failure to comply with the requirements for removing the charging station and its infrastructure; and
8. a requirement for the tenant to agree to designate the station as a fixture of the rental property if the tenant does not remove it upon the lease's termination.

§§ 5 & 17 — NEW CONSTRUCTION EV CHARGING REQUIREMENTS

Requires that a specified percentage of parking spaces in certain new construction be equipped with either EV charging stations or charging station infrastructure

Under the act, starting January 1, 2023, DAS must require that each new construction of a state facility with total costs exceeding $100,000 be installed with level two EV charging stations in at least 20% of parking spaces designated for cars or light-duty trucks.

Beginning July 1, 2023, the act also prohibits DAS from including, on the school construction priority list submitted annually to the legislature, a school building project for new construction if the project's plans do not meet certain EV charging station requirements. Specifically, it prohibits DAS from approving a project plan that does not provide for level two EV charger installation in at least 20% of parking spots for cars or light-duty trucks at the school building.

Starting January 1, 2023, the act requires municipalities to require that each new construction of a commercial building or multi-unit residential building with at least 30 parking spaces be equipped with EV charging infrastructure in at least 10% of parking spaces. Municipalities may, through their legislative bodies, require that these buildings have charging infrastructure in a higher percentage of spaces. The charging infrastructure must be able to support level two EV or direct current fast charging stations.

Under the act, a "level two EV charging station" is an EV charging station that supplies 208- to 240-volt alternating current. A "direct current fast charging station" is an EV charging station that uses direct current electricity providing 40 kilowatts or greater.

EFFECTIVE DATE: October 1, 2022

§ 6 — PROPERTY TAX EXEMPTIONS

Exempts from property taxes certain EV charging stations, fuel cell vehicle refueling equipment, and zero-emission school buses

The act exempts from property taxes (1) level two EV charging stations (see § 5 above) on commercial or industrial property, (2) EV charging stations on residential property, (3) refueling equipment for fuel cell electric vehicles, and (4) zero-emission school buses.

Under the act, a zero-emission school bus is a school bus certified by the Environmental Protection Agency (EPA) as having a drivetrain that does not produce any exhaust emission of any EPA-listed air pollutant or GHG under any possible operational mode or condition (42 U.S.C. § 16091(a)(8)).

EFFECTIVE DATE: October 1, 2022, and applicable to assessment years starting on or after that date.

§§ 7, 10 & 18 — CHEAPR PROGRAM

Makes numerous changes to the CHEAPR program, including making the CHEAPR board advisory-only, modifying the board's membership, prioritizing program benefits to low-income individuals and residents of environmental justice communities, and extending eligibility to businesses, municipalities, nonprofits, and e-bikes; directs all of the greenhouse gas reduction fee and part of Regional Greenhouse Gas Initiative funds to the CHEAPR account

The act makes numerous changes to the CHEAPR program, some of which correspond to agency practice. Under prior law, the CHEAPR board was responsible for the program's administration. The act (1) requires DEEP to administer the program; (2) makes the CHEAPR board advisory-only, responsible for advising the DEEP commissioner on priorities for

allocating, distributing, and using CHEAPR funds; and (3) makes the program permanent by eliminating its sunset date (December 31, 2025).

The act modifies the program parameters for the vehicle rebates and adds a component for electric bicycles (e-bikes). For both components, the act allows the program to offer rebates or vouchers ("incentives"). It also increases funding for the program and requires DEEP to conduct outreach programs and implement a marketing campaign to promote CHEAPR. EFFECTIVE DATE: July 1, 2022, with the board provisions applicable to appointments made on or after that date.

Advisory Board (§ 7)

The act increases, from nine to 14, the CHEAPR board's minimum number of members by adding (1) the Public Utilities Regulatory Authority chairperson, or her designee, as an ex-officio member and (2) four appointed members, one each by the Transportation Committee leaders. It also adds qualifications for the members appointed under existing law by the Senate president pro tempore and House minority leader.

The table below lists the board's appointments and qualifications under the act. As under existing law, (1) the other ex-officio members are the DEEP commissioner, the consumer protection commissioner, and the Green Bank president (or their designees); (2) the DEEP commissioner may appoint up to three additional representatives from other industrial fleet or transportation companies; and (3) the DEEP commissioner (or her designee) is the chairperson.

CHEAPR Board Appointing Authorities and Qualifications

Appointing Authority	*Qualification*
House speaker*	Representative of an environmental organization knowledgeable in EV policy*
Senate president pro tempore*	Owner or manager of bicycle sale or repair business
House majority leader*	Representative of an organization representing an environmental justice community*
Senate majority leader*	Representative of an automotive retailers' association*
House minority leader*	Representative of an EV consumer association
Senate minority leader*	None specified*
Transportation Committee House chairperson	Representative of an organization promoting walking or bicycling
Transportation Committee Senate chairperson	None specified
Transportation Committee House ranking member	Representative of an association representing EV manufacturers
Transportation Committee Senate ranking member	None specified

*Existing appointment/qualification, unchanged by the act

Under the act, each appointed member serves a two-year term and may serve until the member's successor is appointed. The board may establish rules governing its internal procedures.

Program Funding and CHEAPR Account (§§ 7, 10 & 18)

The act increases funding for CHEAPR by (1) increasing its share of the proceeds from existing sources and (2) adding new revenue sources.

First, it transfers the entirety of the GHG reduction fee to the CHEAPR account. Prior law transferred only the first $3 million collected from the fee, with the remainder going to the General Fund. By law, the fee is (1) $15 for the registration of a new vehicle and (2) generally $7.50 for new registrations and registration renewals.

Beginning with FY 24, the act also diverts certain proceeds from the Regional Greenhouse Gas Initiative (RGGI) to the CHEAPR account. Existing state regulations allocate 23% of RGGI proceeds to the Green Bank for the Clean Energy Fund (Conn. Agencies Reg., § 22a-174-31(f)). Beginning with FY 24, the act requires that the amount of this allocation

that exceeds $5.2 million in a fiscal year be diverted to the CHEAPR account. (The act also codifies existing practice regarding the Clean Energy Fund's uses.)

RGGI is a regional interstate "cap and trade" program to reduce GHG emissions. The program subjects the region's power plants to a declining cap on the amount of carbon dioxide they may emit and requires them to purchase emission allowances at quarterly auctions. Those that exceed the cap may buy credits from those that do not. Auction sales proceeds fund energy efficiency and renewal programs.

The act also expands the purposes for which CHEAPR account funds may be used to include (1) administering the medium- and heavy-duty vehicle voucher program (see § 14) and (2) paying for staff needed to administer the zero-emission school bus grant program and provide related technical assistance (see § 13).

Vehicle Incentive Component (§ 7)

Eligible Vehicles. Like prior law, the act makes battery electric vehicles, plug-in hybrid electric vehicles, and fuel cell electric vehicles eligible for CHEAPR incentives and specifies that they apply to new or used vehicles. It eliminates a provision in prior law that made used hydrogen vehicles eligible for incentives. This conforms to current program practice.

Additionally, the act sets a $50,000 base MSRP (manufacturer's suggested retail price) cap on vehicle eligibility from July 1, 2022, to June 30, 2027. Prior law did not impose an MSRP cap, but under previous program practice, the MSRP cap was $42,000 for battery electric and plug-in hybrid vehicles and $60,000 for fuel cell electric vehicles.

Eligible Entities. Under prior law, CHEAPR incentives were available only to individual state residents. The act extends eligibility for incentives to in-state municipalities, businesses, nonprofits, and tribal entities. It limits each eligible entity to 10 incentives per year, within available funds, and 20 incentives total, but it allows DEEP to issue additional incentives to eligible businesses or nonprofits that operate fleets exclusively in environmental justice communities.

Incentive Amounts and Income Eligibility. The act generally makes DEEP responsible for establishing and revising incentive amounts, with the advisory board's advice, but caps the amount of incentive for residents of environmental justice communities at 100% more than the standard incentive amount. Under prior law, the board established rebate amounts.

The act requires the DEEP commissioner to prioritize granting incentives to residents (1) of environmental justice communities; (2) with household incomes at or below 300% of the federal poverty level; or (3) who participate in state and federal assistance programs such as the Supplemental Nutrition Assistance Program, Low Income Home Energy Assistance Program, Head Start, and Operation Fuel. Under current agency practice, participants in certain income-qualified programs are eligible for higher rebates.

E-Bike Incentive Component (§ 7)

The act requires the DEEP commissioner to provide incentives through the CHEAPR program for state residents to purchase e-bikes. As with the vehicle component, the commissioner is generally responsible for determining incentive amounts, except that the incentive must be at least $500. The act also requires DEEP, in consultation with the advisory board, to determine the maximum income eligibility for e-bike incentives. It sets a $3,000 base MSRP cap on eligible e-bikes from July 1, 2022, to June 30, 2027.

The act requires that the e-bike component be designed to maximize air quality benefits associated with e-bike use. It also requires the DEEP commissioner to prioritize granting incentives to the same residents that she must prioritize for the vehicle component (e.g., residents of environmental justice communities).

Reporting (§ 7)

The act requires DEEP, rather than the CHEAPR board, to annually evaluate the program. It also requires that DEEP report annually, starting by June 20, 2024, to the Transportation and Environment committees on the program's status and effectiveness. The report must include information on program participation and the environmental benefits accruing to environmental justice communities and communities overburdened by air pollution.

§§ 8 & 19 — EV REGISTRATION FEE

Eliminates the reduced registration fee for electric vehicles

The act eliminates the reduced registration fee for EVs ($57 for a triennial period) and instead subjects them to the same registration fee that applies to other passenger motor vehicles (e.g., $120 for a triennial period).

EFFECTIVE DATE: July 1, 2022

§ 9 — REPORT ON CLEAN AIR ACT (CAA) FEE

Requires the OPM secretary to annually report on (1) the amount of CAA fee revenue collected and (2) state funds spent on implementing the CAA, improving air quality, and reducing transportation sector GHG

Starting by January 1, 2023, the act requires the Office of Policy and Management (OPM) secretary to annually report to the Appropriations, Environment, and Transportation committees on (1) the amount of CAA fee revenue (see BACKGROUND) collected in the previous fiscal year and (2) state funds spent during the previous fiscal year on implementing the federal CAA, improving air quality, and reducing transportation sector GHG emissions. OPM must consult with DEEP, DOT, and the Department of Motor Vehicles in preparing the report.
EFFECTIVE DATE: July 1, 2022

§ 11 — TRAFFIC SIGNAL GRANT PROGRAM

Requires DOT to establish a matching grant program to help municipalities modernize existing traffic signal equipment

The act requires DOT to establish a matching grant program to help municipalities modernize existing traffic signal equipment and operations to make them (1) capable of using transit signal priority, (2) responsive to congestion, and (3) reduce idling.

Under the act, applications must be submitted annually to the DOT commissioner at a time and in a way he determines. The commissioner must also (1) develop eligibility criteria, (2) determine the matching amount required, (3) give preference to applications submitted by two or more municipalities, and (4) establish incentives for projects undertaken by two or more municipalities.
EFFECTIVE DATE: July 1, 2022

§§ 12 & 13 — ZERO-EMISSION SCHOOL BUSES

Allows for 10-year school transportation contracts if the contract includes at least one zero-emission school bus; sets targets for converting school buses to zero-emission school buses; establishes a matching grant program for zero-emission school buses and charging infrastructure

School Bus Contracts

Prior law allowed local and regional boards of education to enter into student transportation contracts for a maximum term of five years. The act extends the maximum term to 10 years for contracts that include transportation provided by at least one zero-emission school bus (see § 6, above).

Transition to Zero-Emission School Buses

The act requires that all school buses be zero-emission school buses by (1) January 1, 2030, in school districts entirely within, or that contain, an environmental justice community as of July 1, 2022, and (2) January 1, 2040, in the remaining districts. It also sets an interim requirement for school districts that are not located entirely within, or do not contain, an environmental justice community, requiring that 100% of buses in these districts be either zero-emission school buses or alternative fuel school buses by January 1, 2035. An "alternative fuel school bus" is a school bus that reduces emissions and operates entirely or in part using liquified or compressed natural gas, hydrogen, propane, or biofuels.

Grant Program

The act requires DEEP to establish and administer a grant program to provide matching funds necessary for municipalities, school districts, and school bus operators to submit federal grant applications and maximize federal funding to buy or lease zero-emission school buses and EV charging or fueling infrastructure.

Applications must be filed at a time and in a way the commissioner determines. The commissioner must also (1) determine the matching amount that applicants must provide and (2) give preference to applications to purchase or lease zero-emission school buses that will operate primarily in an environmental justice community. The DEEP commissioner may pay for staff for this program with CHEAPR account funds (see § 7, above).

Technical Assistance

The act requires the DEEP commissioner, within available funds and appropriations, to provide administrative and technical assistance to municipalities, school districts, and school bus operators transitioning to using zero-emission school buses, applying for federal grants for them, and installing EV charging and fueling infrastructure. The commissioner may use CHEAPR account funds to pay for staff providing this assistance (see § 7, above).
EFFECTIVE DATE: July 1, 2022, except that the school bus contracts provision is effective October 1, 2022.

§ 14 — MEDIUM- AND HEAVY-DUTY TRUCK VOUCHERS

Allows DEEP to establish a voucher program to support the use of zero-emission medium- and heavy- duty vehicles and funds the program from the CHEAPR account

Beginning January 1, 2023, the act allows DEEP, within available funds, to establish a voucher program to support (1) installing EV charging infrastructure and (2) the use of zero-emission (a) vehicles within class 5 to class 13 of the Federal Highway Administration's (FHWA) vehicle category classification system (see BACKGROUND) and (b) school buses within class 3 to class 8 of the system. Under the act, eligible technology for vouchers includes battery electric and fuel cell systems. Vouchers are unavailable for vehicle classes with no commercially available zero-emission technology.

The act funds the program from the CHEAPR account (see § 7, above). It requires DEEP to (1) set aside 40% of available funding to maximize air pollution reduction in environmental justice communities and (2) consider the amount of available funding when awarding vouchers. The DEEP commissioner must (1) consult with the education, motor vehicles, and transportation commissioners in establishing the program and (2) prescribe the time and way to file program applications.
EFFECTIVE DATE: October 1, 2022, except that the provision funding the program from the CHEAPR account is effective July 1, 2022.

§ 15 — MEDIUM- AND HEAVY-DUTY VEHICLE EMISSION STANDARDS

Authorizes the DEEP commissioner to adopt regulations implementing California's medium- and heavy-duty motor vehicle standards

The act authorizes the DEEP commissioner to adopt regulations implementing California's medium- and heavy-duty motor vehicle standards in Connecticut. If she adopts these regulations, then she must also amend them whenever the California standards change. The Connecticut regulations may incorporate by reference the California Air Resources Board's (CARB) adopted regulations (see BACKGROUND).

State law already requires DEEP to adopt regulations implementing California's emissions standards for light-duty motor vehicles (e.g., passenger cars, SUVs, pickup trucks) and keep them current with changes California makes. The regulations applied beginning with the 2008 model year.

Under the federal CAA, all new vehicles sold in the United States must comply with emission standards set by either the U.S. Environmental Protection Agency or California (42 U.S.C. § 7507). The U.S. Department of Transportation categorizes vehicles based on gross vehicle weight ratings (GVWR). Medium-duty vehicles generally have a GVWR of between 10,000 and 26,000 pounds (e.g., box trucks, firetrucks). Heavy-duty vehicles have a GVWR of more than 26,000 pounds (e.g., city transit buses, cement mixers, refuse trucks, tractor trailers).
EFFECTIVE DATE: July 1, 2022

§ 16 — SOLAR PANELS IN PLANNED COMMUNITY ASSOCIATIONS

Prohibits planned community associations from adopting or enforcing rules that effectively prohibit unit owners from installing solar panels on their own units' roofs

The act prohibits planned community associations from adopting or enforcing rules that effectively prohibit unit owners from installing solar power generating systems (i.e., solar panels) on their own units' roofs. It exempts condominiums and cooperatives from this ban and specifies that its provisions do not apply to roofs shared with another unit owner.

The act authorizes planned community associations to adopt rules governing these systems with respect to (1) their size; (2) how they are attached, installed, and removed; and (3) the unit owner's responsibility for their maintenance and periodic upkeep. The rules may also prohibit owners from installing the systems on the association's common elements.

Under existing law, the association's executive board must give unit owners certain notice before adopting rules, and the adopted rules must be reasonable.
EFFECTIVE DATE: October 1, 2022

BACKGROUND

CAA Fees on Motor Vehicle Registrations

State law requires the Department of Motor Vehicles to collect the CAA fee on new registrations and renewals and sets the fee at $15 for a triennial registration period (proportionately reduced for other registration lengths). By law, the CAA fee does not apply to motor vehicles that are electrically powered, not self-propelled, or exempt from a registration fee (CGS § 14-49b(a)).

By law, revenue from this fee is split between the General Fund (42.5%) and the Special Transportation Fund (STF) (57.5%) and is not dedicated to any specific purpose.

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 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		

California Standards & Connecticut Emission Reduction Goal

CARB adopted (1) a heavy-duty omnibus rule, which creates emission standards for engine manufacturers, and (2) an advanced clean trucks rule, which requires truck manufacturers to deliver for sale a certain percentage of advanced technology vehicles (i.e., zero-emission vehicles (ZEVs)).

In July 2020, Connecticut signed onto a memorandum of understanding (MOU) with 14 other states and the District of Columbia to work collaboratively to reduce emissions from medium- and heavy-duty vehicles. The signatories' goal is to have all medium- and heavy-duty vehicle sales be ZEVs by 2050, with an interim goal of 30% ZEV sales by 2030.

Related Act

PA 22-118 (§§ 314 & 344) reserves up to $75 million in an existing bond authorization to fund the traffic signal grant program (§ 344) and authorizes an additional $20 million in bonds to fund the school bus matching grant program (§ 314).

PA 22-40—sHB 5255
Transportation Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION AND VARIOUS REVISIONS TO THE TRANSPORTATION STATUTES

TABLE OF CONTENTS:

§ 1 — CROSSWALKS

Prohibits drivers from parking within 25 feet of a mid-block crosswalk, but grandfathers in existing parking spaces and broadens an exception for crosswalks and intersections with curb extensions

§§ 2 & 3 — SPEED LIMITS DURING WEATHER EVENTS OR EMERGENCIES

Allows the DOT commissioner to modify speed limits on limited-access highways during weather events or emergencies, so long as the limit is posted on electronic signs

§ 4 — INDEMNIFICATION FOR RAIL BANKING ARRANGEMENTS

Allows the DOT commissioner to indemnify a railroad company in connection with a rail banking arrangement

§§ 5-8 — CONTRACTING CHANGES

Makes changes related to representations required in certain contracts

§§ 9 & 10 — ENTERING PRIVATE PROPERTY DURING EMERGENCIES

Allows DOT to enter and use private property during commissioner-declared emergencies to restore service or correct unsafe conditions, subject to certain requirements

§ 11 — OVERSIZE/OVERWEIGHT PERMIT FEES

Increases the fee for electronically transmitted oversize/overweight permits and imposes an engineering analysis fee on superloads

§§ 12-14 — DUI-RELATED CHANGES

Makes changes related to (1) tests for impairment based on cannabis odor, (2) impaired boating and diversionary programs, and (3) drug influence evaluations

§ 15 — TRUCK PLATOONING

Establishes conditions under which certain vehicles may "operate in a platoon" (i.e., electronically coordinate speed and following distances)

§§ 16 & 17 — ILLEGAL ENCROACHMENTS IN RIGHT-OF-WAY

Modifies laws about illegal encroachments on state highway property, including by allowing DOT to take immediate corrective action when necessary and to bill violators for the costs; increases the penalties for illegal encroachment

§§ 18-20 — TECHNICAL CHANGES

Makes several technical changes in laws on work zone speed cameras and pedestrian safety zones

§ 21 — HOV LANES AND BLOOD TRANSPORT VEHICLES

Codifies the Office of the State Traffic Administration's (OSTA) authority to designate and make rules for HOV lanes; allows "blood transport vehicles" to use HOV lanes under specified conditions

§ 22 — WRONG WAY SIGNS

Sets January 1, 2024, as the deadline for DOT to finish installing wrong way signs on exit ramps from interstate highways that are prone to accidents

§ 23 — MICROTRANSIT PILOT PROGRAM

Requires DOT to establish a microtransit pilot program

§ 24 — MARINE PILOT EXTENSION OF ROUTE

Allows Connecticut-licensed marine pilots to apply for an "extension-of-route" using experience gained while piloting under the authority of a federal pilotage endorsement

§ 25 — MUNICIPAL ORDINANCE ON EXTERNAL SPEAKER NOISE

Authorizes municipalities to impose higher penalties on violators of ordinances regulating the use of external speakers attached to a vehicle

§ 26 — TRANSIT DISTRICT FUNDING

Beginning in FY 25, freezes urban transit district funding at FY 24 levels and requires DOT to establish a grant program to help these districts maintain, expand, and regionalize services

§ 27 — TRANSIT INFORMATION MOBILE APPLICATION

Requires DOT to develop a mobile app to provide transit district service information and trip planning services

§ 28 — SALE OF GOODS ON ETHAN ALLEN HIGHWAY

Requires DOT to issue a request for proposals on the sale or offer of goods within the right-of-way located at approximately 300 Ethan Allen Highway in Ridgefield

§ 29 — GOLF CARTS CROSSING ROUTE 156

Allows a person to drive a golf cart on Route 156 in Old Lyme to cross the road if the municipality authorizes golf cart operation on its roads

BACKGROUND

SUMMARY: This act makes various changes in the transportation statutes, including those that do the following:

1. modify laws pertaining to illegal encroachments on state highway property and increase the penalties for illegal encroachment;
2. beginning in FY 25, freeze urban transit district funding at FY 24 levels and require the Department of Transportation (DOT) to establish a grant program to help districts expand and regionalize services;
3. allow the DOT to enter and use private property during commissioner-declared emergencies to restore service or correct unsafe conditions;
4. establish conditions under which certain vehicles may operate in a "platoon"; and
5. codify the Office of the State Traffic Administration's (OSTA) authority to designate and make rules for high occupancy vehicle (HOV) lanes and allow "blood transport vehicles" to use HOV lanes under specified conditions.

EFFECTIVE DATE: July 1, 2022, unless otherwise noted below.

§ 1 — CROSSWALKS

Prohibits drivers from parking within 25 feet of a mid-block crosswalk, but grandfathers in existing parking spaces and broadens an exception for crosswalks and intersections with curb extensions

Existing law prohibits drivers from parking within 25 feet of an intersection or a crosswalk located at an intersection. The act generally broadens this prohibition to include crosswalks not located at intersections (i.e., mid-block crosswalks).

However, the act adds another exception to this prohibition, grandfathering in any parking space established on or before October 1, 2022. It also expands an existing exemption allowing parking within 10 feet of an intersection that has a curb extension treatment that is as wide or wider than the parking lane. Previously, this exception applied only to intersections located in and comprised entirely of highways under New Haven's jurisdiction. Under the act, it applies to any intersection or marked crosswalk with such a curb extension treatment.

EFFECTIVE DATE: October 1, 2022

§§ 2 & 3 — SPEED LIMITS DURING WEATHER EVENTS OR EMERGENCIES

Allows the DOT commissioner to modify speed limits on limited-access highways during weather events or emergencies, so long as the limit is posted on electronic signs

The act allows the DOT commissioner to modify limited-access highway speed limits during weather events or emergencies, so long as there are electronic signs indicating the speed limit. It also makes a conforming change to make exceeding the commissioner-established speed limit subject to existing speeding penalties.
EFFECTIVE DATE: October 1, 2022

§ 4 — INDEMNIFICATION FOR RAIL BANKING ARRANGEMENTS

Allows the DOT commissioner to indemnify a railroad company in connection with a rail banking arrangement

The act allows the DOT commissioner, if he deems it in the state's best interest, to indemnify and hold harmless any railroad company in connection with an interim trail use and rail banking arrangement executed according to federal law. "Rail banking" is a voluntary arrangement between a railroad company and another entity to use an out-of-service rail corridor as a trail until a railroad might need the corridor again for rail service.

§§ 5-8 — CONTRACTING CHANGES

Makes changes related to representations required in certain contracts

Nondiscrimination Provisions (§ 5)

Existing law generally requires that state contracts, municipal public works contracts, and quasi-public agency contracts contain a nondiscrimination affirmation provision to certify that the contractor (1) understands the law's nondiscrimination and affirmative action obligations and (2) will maintain a nondiscrimination policy for the contract's duration.

Under prior law, the authorized signatory of the contract had to demonstrate his or her understanding of this obligation by either (1) providing an affirmative response in the required online bid or request for proposals or (2) initialing the affirmation provision in the contract. Under the act, the signatory may also do so by signing the contract.

Consulting Agreements (§ 6)

By law, goods and services contracts with a total value of $50,000 or more in a calendar or fiscal year must have a representation as to whether a consulting agreement had been entered into in connection with the contract. The act eliminates the requirement that it be "sworn as true" to the signatory's best knowledge and belief, instead requiring that it be made to his or her best knowledge and belief. As under existing law, the representation is subject to the penalty of false statement.

The act also makes technical changes related to the information included in applicable consulting agreement representations.

Minor and Conforming Changes (§§ 7 & 8)

The act eliminates a reference to "most qualified or highest ranked" person in a provision about certification requirements for large state contracts.

It also makes a conforming change related to PA 21-76, which eliminated the false penalty statement for certifications related to contractor investments in Iran.

§§ 9 & 10 — ENTERING PRIVATE PROPERTY DURING EMERGENCIES

Allows DOT to enter and use private property during commissioner-declared emergencies to restore service or correct unsafe conditions, subject to certain requirements

The act gives DOT the right to enter and use private property, under certain conditions, during commissioner-declared emergencies to (1) correct unsafe or emergency conditions or (2) restore the highway system or interrupted essential rail or transit services. Under prior law, DOT had to follow property rights acquisition procedures before entering private property (CGS § 13a-73).

Under the act, DOT must (1) make a reasonable effort to notify a private property owner before entering the property and (2) compensate the property owner for the property use in accordance with state law pertaining to real property acquisition.

By law, the DOT commissioner may declare an emergency under any of the following circumstances:

1. a public railroad or its facilities are deemed to be in unsafe condition or there is an interruption of essential rail services;
2. a public transit facility or airport, or its equipment, is damaged due to natural disaster or incurs substantial casualty loss that results in an unsafe condition or interruption of essential services; or
3. an emergency condition exists on a public road that demands immediate attention to ensure public safety.

§ 11 — OVERSIZE/OVERWEIGHT PERMIT FEES

Increases the fee for electronically transmitted oversize/overweight permits and imposes an engineering analysis fee on superloads

The act increases the fee for electronically transmitted oversize/overweight permits from $5 to $12. It also imposes an additional engineering analysis fee on vehicles and trailers or commercial combination vehicles that exceed a permit weight of 200,000 pounds (known as superloads). The fee amount is $2 per thousand pounds, or fraction thereof, over 200,000 pounds.

§§ 12-14 — DUI-RELATED CHANGES

Makes changes related to (1) tests for impairment based on cannabis odor, (2) impaired boating and diversionary programs, and (3) drug influence evaluations

Testing Based on Cannabis Odor (§ 12)

Under existing law, the odor of cannabis or burnt cannabis does not constitute probable cause or reasonable suspicion and cannot be used to justify a stop or search of a person or vehicle. But prior law allowed law enforcement officers to test for impairment based on this odor if the officer reasonably suspected that a motor vehicle's driver or passenger was violating the DUI laws. Under the act, the officer may only test the driver based on this suspicion.

The act also deletes an obsolete reference.

Diversionary Programs and Impaired Boating (§ 13)

The act adds impaired boating to the list of offenses excluded from participation in the accelerated rehabilitation diversionary program.

Under existing law, people charged with a first violation of an impaired boating offense are eligible for the pretrial impaired driving intervention program (CGS § 54-56r(a)(1)). By excluding impaired boating offenses from the accelerated rehabilitation program, impaired boaters may be convicted upon their second offense, as is already the case with impaired drivers.

Drug Influence Evaluations (§ 14)

PA 21-1, June Special Session, § 118, authorized the use of drug influence evaluations in impaired driving investigations. The act specifies that these evaluations do not need to start within two hours after the suspect drove. By law, chemical tests of blood, breath, or urine for alcohol or drugs generally must be started within the two-hour timeframe.

§ 15 — TRUCK PLATOONING

Establishes conditions under which certain vehicles may "operate in a platoon" (i.e., electronically coordinated speed and following distances)

This act establishes conditions under which certain vehicles may operate in a "platoon" and exempts them from the law's ban on following too closely. Under the act, a platoon is two or three commercial motor vehicles or buses (other than school buses) traveling in a unified manner at electronically coordinated speeds at following distances closer than would be reasonable and prudent without the coordination.

Platoon Plan

Under the act, a person may operate a platoon on public roads in the state if the person (1) files with the DOT commissioner a general plan for platoon operations and (2) the commissioner approves the plan. When the commissioner receives a platoon operations plan, he must approve or reject it within 15 days. If he rejects the plan, he must provide a written explanation as to why it was rejected and guidance for resubmission.

Platoon Operation

The act requires vehicles in a platoon to obtain a DOT-issued mark indicating that the vehicle is part of a platoon and display it, as DOT prescribes, at all times while platooning. Each person operating a vehicle in a platoon must be seated in the driver's seat and hold a license of the appropriate class for the vehicle being driven. The act also prohibits vehicles in a platoon from pulling or dragging another vehicle in the platoon.

Penalty

Anyone who violates the act's platooning provisions faces a fine of $100 to $150. If violation causes an accident, the fine is between $100 and $200.

§§ 16 & 17 — ILLEGAL ENCROACHMENTS IN RIGHT-OF-WAY

Modifies laws about illegal encroachments on state highway property, including by allowing DOT to take immediate corrective action when necessary and to bill violators for the costs; increases the penalties for illegal encroachment

Existing law prohibits any person, firm, or corporation from doing the following to a state highway (including appurtenances to the highway) without a permit: (1) excavating within or under it; (2) placing obstructions or substructions within, under, upon, or over it; or (3) interfering with construction or maintenance of, or drainage from, it. The act specifically adds utility companies to the list of people to whom this prohibition applies.

By law, anyone who does these things without a permit, or who violates the conditions of the permit, must remove or alter the obstruction, substruction, or excavation within 30 days after the commissioner sends a notice requiring them to do so. The act additionally allows the commissioner, upon someone's failure to comply with the requirements in the notice within 30 days, to (1) fill in or close any excavation or remove or alter any excavation, obstruction, or substruction and (2) bill them for the expenses incurred.

If the DOT commissioner determines that an unsafe condition exists within, under, upon, or over the state highway that requires immediate corrective action, then the act allows the DOT commissioner to authorize this action and bill the violator for the costs.

Under the act, the state is not liable for any damage to private property placed in state highways without a permit.

The act increases the penalty for violations of these encroachment provisions. Under prior law, the penalty was up to $100 for a first offense and between $100 and $500 for a subsequent offense. Under the act, the penalty is between $2,000 and $5,000 for each offense. The act also makes each violation a separate and distinct offense and makes each day the violation continues a separate and distinct offense. Lastly, the act makes a conforming change to eliminate these violations from centralized infractions bureau processing.

§§ 18-20 — TECHNICAL CHANGES

Makes several technical changes in laws on work zone speed cameras and pedestrian safety zones

The act makes several technical changes in laws on work zone speed cameras and pedestrian safety zones.

§ 21 — HOV LANES AND BLOOD TRANSPORT VEHICLES

Codifies the Office of the State Traffic Administration's (OSTA) authority to designate and make rules for HOV lanes; allows "blood transport vehicles" to use HOV lanes under specified conditions

Under existing agency practice, OSTA designates lanes on multi-lane limited access highways as HOV lanes and erects signs indicating the lanes and the rules for their use. The act codifies this authority and allows OSTA to adopt regulations

to implement the act's provisions.

The act also requires OSTA to allow "blood transport vehicles" to use HOV lanes, regardless of the number of passengers, when the vehicle is transporting human blood and blood products between a collection point and a hospital or storage center. A blood transport vehicle is a vehicle owned by a nonprofit general blood banking operation or state-licensed nonprofit blood collection facility and used to transport blood and blood products (e.g., plasma or platelets).

To use the HOV lane, the act requires blood transport vehicles to display, on each side and the rear, a removable decal or sign indicating that it is transporting blood and blood products between a collection point and a hospital or storage center. The vehicle must also display the logo or emblem of the blood banking operation or collection facility, as applicable, on each side of the vehicle.

Federal law establishes HOV lane rules that states must follow, requiring that the lanes be restricted to vehicles with at least two occupants with certain exceptions (23 U.S.C. § 166). The recent federal infrastructure act expanded these exceptions to include blood transport vehicles (Infrastructure Investment and Jobs Act, P. L. 117-58, § 11527).
EFFECTIVE DATE: October 1, 2022

§ 22 — WRONG WAY SIGNS

Sets January 1, 2024, as the deadline for DOT to finish installing wrong way signs on exit ramps from interstate highways that are prone to accidents

The act sets January 1, 2024, as the deadline by which DOT must finish installing wrong way signs on exit ramps from interstate highways that are prone to accidents as required in the 2020 bond act (PA 20-1, § 40).
EFFECTIVE DATE: Upon passage

§ 23 — MICROTRANSIT PILOT PROGRAM

Requires DOT to establish a microtransit pilot program

The act requires the DOT commissioner to establish a two-year pilot program to test microtransit services in the state, including in rural areas not served by public transportation. "Microtransit" is transportation by a multi-passenger vehicle that uses a digital network or software application to offer fixed or dynamically allocated routes and schedules in response to individual or aggregate consumer demand. Under the act, DOT may contract with third parties to provide microtransit services.

By January 1, 2025, the act requires the DOT commissioner to submit a report to the Transportation Committee on the pilot program's implementation and any recommendations for future use of microtransit services.
EFFECTIVE DATE: Upon passage

§ 24 — MARINE PILOT EXTENSION OF ROUTE

Allows Connecticut-licensed marine pilots to apply for an "extension-of-route" using experience gained while piloting under the authority of a federal pilotage endorsement

The act provides an alternative way for Connecticut-licensed marine pilots to meet the experience requirement for an "extension-of-route." By law, the Connecticut Pilot Authority (CPA) issues pilotage licenses for specific geographic areas of the Long Island Sound and allows licensees to apply for an expansion of the areas in which they may operate (i.e., "extension-of-route") (see BACKGROUND).

Under existing law, a marine pilot applying for an extension-of-route must document to CPA that, within the previous 36 months before applying, he or she made six round trips through the applicable port or waterway (1) as an observing pilot on registered or enrolled vessels that are subject to the state's compulsory pilotage requirements and (2) while doing the piloting work under a licensed pilot's supervision. Under the act, an applicant may alternatively document that he or she made those six trips as a pilot of record on American enrolled vessels on which he or she was not a crew member. Existing law allows experience on American enrolled vessels to be used to obtain initial marine pilot licensure (CGS § 15-13(a)).

§ 25 — MUNICIPAL ORDINANCE ON EXTERNAL SPEAKER NOISE

Authorizes municipalities to impose higher penalties on violators of ordinances regulating the use of external speakers attached to a vehicle

By law, municipalities have general powers to, among other things, preserve the public peace and good order and prevent disturbing noises (CGS § 7-148(c)(7)(H)(viii)). Municipalities may exercise their general powers by adopting regulations and ordinances that may be enforced through penalties of up to $250 unless the law specifies otherwise (CGS § 7-148(c)(10)(A)).

The act authorizes municipalities to set comparatively higher penalties when adopting these general power ordinances to regulate the operation and use of external speakers attached to a motor vehicle. Under the act, the ordinances may (1) prescribe a penalty of up to $1,000 for first violations, $1,500 for second violations, and up to $2,000 for third or subsequent violations and (2) provide for seizing and forfeiting the speakers to the municipality, with one exception: the forfeited speakers must be sold at a municipal public auction, with sale proceeds paid to the municipality's treasurer for deposit into the municipality's general fund.

The act exempts speakers from forfeiture to the extent an owner, by reason of any act or omission by another person, did not know and could not have reasonably known that the speakers were being used or were intended to be used in violation of an ordinance.

EFFECTIVE DATE: October 1, 2022

§ 26 — TRANSIT DISTRICT FUNDING

Beginning in FY 25, freezes urban transit district funding at FY 24 levels and requires DOT to establish a grant program to help these districts maintain, expand, and regionalize services

Beginning with FY 25, the act freezes funding for transit districts in an urbanized area (urban transit districts) at the FY 24 level but maintains the existing funding formula for transit districts located in a rural area. Under the act, an "urbanized area" is one with a population of at least 50,000 people and defined and designated in the most recent decennial census as an "urbanized area." "Rural area" means an area with a population of less than 50,000 that has not been designated as an urbanized area.

However, the act requires the DOT commissioner to establish a grant program, starting in FY 25, to help urban transit districts maintain and expand transit services; provide regional services; and upgrade equipment, facilities, and other transit-related infrastructure. The commissioner must establish an application process, eligibility and evaluation criterion, and reporting requirements for the grant program. He must also prioritize grants to transit districts formed by a municipality with a population at least 100,000 or with member municipalities having a combined population at least 100,000. Population is based on the Department of Public Health's most recent population estimate.

The act also updates outdated references in the existing funding formula provisions to make them consistent with federal law and department practice.

§ 27 — TRANSIT INFORMATION MOBILE APPLICATION

Requires DOT to develop a mobile app to provide transit district service information and trip planning services

Starting October 1, 2023, the act requires DOT to develop and maintain a mobile application ("app") to (1) integrate real-time information on transit services provided by transit districts and (2) provide trip planning services to the public. Each district must provide real-time information about its services, including the schedule, routes, trips, and location of the transit services in the way the DOT commissioner prescribes.

EFFECTIVE DATE: Upon passage

§ 28 — SALE OF GOODS ON ETHAN ALLEN HIGHWAY

Requires DOT to issue a request for proposals on the sale or offer of goods within the right-of-way located at approximately 300 Ethan Allen Highway in Ridgefield

By July 1, 2022, the act requires DOT to issue a request for proposals on the sale or offer of goods within the right-of-way located at approximately 300 Ethan Allen Highway in Ridgefield. It requires DOT to do so regardless of any OSTA-adopted regulations.

EFFECTIVE DATE: Upon passage

§ 29 — GOLF CARTS CROSSING ROUTE 156

Allows a person to drive a golf cart on Route 156 in Old Lyme to cross the road if the municipality authorizes golf cart operation on its roads

The act allows a person to drive a golf cart on Route 156 in Old Lyme, but only for crossing the road and so long as the municipality's traffic authority authorizes golf cart operation on its roads (see BACKGROUND).
EFFECTIVE DATE: Upon passage

BACKGROUND

Marine Pilots

A marine pilot is not a member of a vessel's crew but comes aboard to help navigate the vessel in or out of port. State-licensed marine pilots are expected to act in the public interest and take reasonable actions to prevent ships under their navigational direction from engaging in unsafe operations.

Under existing law, the CPA licenses marine pilots. The Connecticut Pilot Commission, which is within the CPA for administrative purposes, advises the CPA on marine pilot licensure, safe conduct of vessels, pilotage rates, and the protection of ports and waters in Connecticut. Connecticut marine pilots must, among other things, (1) hold a federal ship master's license (which is required to serve as a ship captain) and a federal pilotage license and (2) complete the required number of trips as a pilot or observing pilot (CGS § 15-13; Conn. Agencies Regs., § 15-15a-7).

Registered and Enrolled Vessels

Registered vessels typically operate in foreign commerce, whereas enrolled vessels generally carry domestic cargo between U.S. ports (referred to as "coastwise" under federal law). Federal law requires that a federally licensed marine pilot accompany coastwise vessels (46 C.F.R. § 15.812(a)(1)).

Municipal Authorization of Golf Carts

By law, municipalities may authorize the use of golf carts on roads under their jurisdiction, subject to the following conditions:

1. the permitted use must be on roads with a posted speed limit of 25 miles per hour or less and limited to daylight hours,
2. golf carts must be equipped with an operable horn that meets state legal requirements and a flag that helps drivers of other vehicles to see the cart, and
3. operators must carry a valid driver's license (CGS § 14-300g(a)).

PA 22-44—sSB 333
Transportation Committee

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES AND VARIOUS REVISIONS TO THE MOTOR VEHICLE STATUTES

SUMMARY: This act makes numerous unrelated changes in motor vehicle laws. Among other things, the act increases surety bond requirements for dealer and repairer licenses and strengthens licensing and enforcement requirements related to driving schools and their instructors.

By February 1, 2023, the act requires the Department of Motor Vehicles (DMV) commissioner to report to the Transportation Committee on the following topics:

1. the preceding fiscal year's number of department-administered road skills tests for a driver's license at DMV offices and off-site locations and the passage rates for those tests (§ 16);
2. the results of her review of other states' laws and regulations, and any legislative or regulatory recommendations, on applying for, issuing, and using removeable windshield placards for people with disabilities or blindness (§ 17); and
3. for the previous year, and annually afterwards, the average amount of time a person spends at the DMV for an appointment scheduled on its website (rather than the average number of days between scheduling an appointment online and the appointment date, as prior law required) (§ 36).

It also eliminates a redundant safety inspection requirement for retired school buses (§ 9) and makes numerous technical and conforming changes (§§ 20-35).

EFFECTIVE DATE: July 1, 2022, unless otherwise noted below, with certain technical changes effective October 1, 2022.

§ 1 — LICENSE RESTORATION AFTER MEDICAL WITHDRAWAL

Under existing law, the DMV commissioner may allow a person whose license was medically withdrawn to drive on a limited basis (i.e., with a licensed driving instructor or testing agent) if she (1) determines that the driver does not have a health problem affecting his or her ability to drive safely and (2) requires the driver to pass a road skills test for license reinstatement (CGS § 14-46e(b)).

The act requires the commissioner to make her determination after consulting with the Motor Vehicle Operator's License Medical Advisory Board, rather than through a hearing as prior law required. Under existing law, unchanged by the act, a person whose driver's license has been suspended, restricted, or revoked, or whose license application has been denied due to health problems, has the right to appeal under the Uniform Administrative Procedure Act (UAPA) (CGS § 14-46g).

§§ 2 & 3 — DEALER & REPAIRER SURETY BONDS & BACKGROUND CHECKS

Surety Bonds (§ 2)

The act increases the surety bond amounts for applicants of certain business licenses as follows: (1) repairer's licenses, from $5,000 to $25,000; (2) limited repairer's licenses, from $5,000 to $10,000; (3) new or used car dealer's licenses, from $50,000 to $60,000; and (4) leasing or rental licenses, from $10,000 to $15,000.

Background Checks (§ 3)

By law, applicants for a dealer or repairer license must submit to state and national criminal history records checks. The act requires that each applicant be fingerprinted and their background checks be based upon this fingerprint data instead of the applicant's name and date of birth, as prior law required.

§§ 4-7 — DRIVING INSTRUCTION

The act makes several changes in the statutes governing driving schools. It specifically prohibits driving schools with expired licenses from conducting business until the DMV commissioner grants a license renewal. However, it also prohibits the commissioner from renewing a driving school license that has been expired for more than 60 days.

Under existing law, the commissioner generally may suspend or revoke the license of a school or instructor after she has provided the licensee with notice and an opportunity for a hearing, in accordance with the UAPA. Under the act, the commissioner may order restitution to aggrieved customers if a licensed driving school or instructor violates any statute and regulation governing them, in addition to, or instead of, a civil penalty as allowed under existing law.

Driving Instructor and Master Driving Instructor Licenses

The act increases, from four to five years, the driving history review period for instructor and master instructor licenses. It also specifies that applicants must provide a physical examination that has been performed within 90 days from the application date, rather than a recent exam as prior law required. The act also prohibits the commissioner from renewing an instructor or master instructor's license that has been expired for more than 60 days.

The act requires the DMV commissioner to summarily suspend an instructor's or master instructor's license if she determines that continued possession of the license poses an imminent threat to public safety or welfare. She must schedule a hearing within 20 days after taking this action. It also adds references to master driving instructors to license requirements for driving instructors, which already apply under existing law and regulations.

Minor and Technical Changes

The act specifies that boards of education, public, private, and parochial schools (which do not need to be licensed as driving schools under existing law) are not required to provide a surety bond to provide a driver's education course.

§§ 8 & 10 — ADMINISTRATIVE PER SE STATUTES

By law, motorists implicitly consent to be tested for drugs or alcohol and submit to the nontestimonial portion of a drug influence evaluation when they drive a vehicle. The law establishes administrative license suspension procedures, including a hearing, for drivers who refuse to submit to a test or evaluation or whose test results indicate an elevated blood alcohol content.

The act expands the types of "motor vehicles" covered by the administrative per se statute to include a snowmobile or all-terrain vehicle, consistent with the criminal laws governing driving under the influence. It also allows DMV to send, with the driver's written consent, notice of an administrative hearing decision by personal delivery (e.g., e-mail) rather than by certified mail.

§ 11 — DRIVERS WEARING GLASSES WITH BIOPTIC LENSES

The act requires the DMV commissioner to issue driver's licenses to people wearing glasses with bioptic lenses if the applicant otherwise meets regulatory vision standards and license requirements. (By law, the commissioner must adopt regulations specifying vision standards that are necessary to safely operate a motor vehicle.) Generally, bioptic lenses consist of miniature telescopic lenses mounted on top of eyeglasses.
EFFECTIVE DATE: October 1, 2022

§ 12 — LIGHTS ON WRECKERS

The act eliminates prior law's requirements that wreckers be equipped with two flashing yellow lights installed and mounted on the truck that span its full width and were at least eight feet above the road surface. It instead requires that wreckers be equipped with an unspecified number of flashing yellow lights. As under existing law, the lights must (1) continuously show in all directions, (2) be as close to the back of the cab as practicable, and (3) be used when the wrecker is towing a vehicle and at the scene of an accident or a disabled vehicle.
EFFECTIVE DATE: October 1, 2022

§ 13 — AUTOCYCLES

Existing law allows drivers to operate autocycles with a standard "class D" license (i.e., without needing a motorcycle license endorsement) (CGS § 14-36a). The law defines "autocycle," in part, as a motorcycle with up to three wheels that has seat belts and partially or fully enclosed seats in which occupants sit with their legs forward. Prior law additionally provided that an autocycle was designed to be controlled with a steering wheel and foot pedals. The act instead provides that it is designed to be controlled with a steering mechanism, rather than a steering wheel.
EFFECTIVE DATE: October 1, 2022

§ 14 — VIN ETCHING

Prior law required new and used car dealers and lessors to offer the purchaser or lessee of a new or used motor vehicle the optional service of etching the complete VIN on the lower corner of the vehicle's windshield and on each of its side and rear windows so long as the service was separately charged on the vehicle's sale order. Beginning July 1, 2022, the act allows, rather than requires, these dealers and lessors to offer this option. It also sunsets the requirement that the service charge be provided for etching done prior to sale or lease, and instead prohibits them from etching the VIN on any vehicle in their inventory prior to its sale or lease without the written consent of the vehicle's purchaser or lessee.

Prior law authorized the DMV commissioner to adopt regulations to implement the VIN etching provisions, including standards for (1) secure marking of component parts, including using a covert application (only visible under ultraviolet light); (2) telephone or online access to a secure database of vehicles, including motorcycles and parts that have been marked and registered in the database; and (3) the marking of parts used to replace parts that have been marked by licensed repairers.

The act (1) requires, rather than allows, the commissioner to adopt implementing regulations, which may provide these standards; (2) eliminates the specific references to addressing marking component parts using a covert application; and (3) repeals prior law's definition of "component parts."

§ 15 — ORGAN DONOR CONSENT

Under existing law, the DMV commissioner must require any person applying for a driver's license or identity card to

indicate whether they consent to or decline organ donation through inclusion on the state donor registry. The act also requires this upon renewal.
EFFECTIVE DATE: October 1, 2022

§§ 18 & 19 — VEHICLE NOISE

The act requires the DMV commissioner, by January 1, 2023, to submit to the Transportation, Appropriations, and Finance, Revenue, and Bonding committees (1) an implementation plan for a statewide decibel level testing program at official emissions inspection stations for motor vehicles and motorcycles and (2) any recommendations for legislation and funding necessary for implementation.

By January 1, 2024, it requires the commissioner to amend current regulations setting maximum vehicle decibel levels and related testing procedures, with the advice of the energy and environmental protection commissioner, to reflect industry standards and technology advancements and submit them to the Regulation Review Committee. The act correspondingly eliminates from prior law the testing procedure requirements that are repeated under existing regulations (Conn. Agencies Regs. § 14-80a-8a).

§ 37 — EMISSIONS RE-TESTING EXTENSION FOR SUPPLY CHAIN ISSUES

For FYs 23 and 24, the act requires the DMV commissioner to grant an extension of time for vehicles to obtain needed repairs after failing an emissions inspection, so long as a licensed new or used car dealer or licensed repairer or limited repairer certifies, in writing, that the part needed to repair the associated problem is delayed due to market conditions. If granted, it must be valid for 180 days after the certification date.

PA 22-46—sSB 215
Transportation Committee
Appropriations Committee

AN ACT CONCERNING ENGINEERING, MAINTAINER AND OPEN POSITIONS AT THE DEPARTMENT OF TRANSPORTATION

SUMMARY: This act requires the Department of Administrative Services (DAS) commissioner and the Department of Transportation (DOT) commissioner to take certain actions related to recruiting and hiring engineers, engineer interns, and maintainers.

Specifically, it requires the DAS commissioner to recruit interns for the summer worker professional engineer job classification for DOT when the DOT commissioner requests that she do so. Both commissioners must promote recruitment at public and independent higher education institutions. Starting July 1, 2023, the act also requires the DAS commissioner to annually increase the pay rate for this job classification by any percentage increase in the national consumer price index for urban wage earners and clerical workers for the previous 12-month period.

Separately, from July 1, 2022, to June 30, 2025, the act requires the DAS commissioner to engage in the ongoing successive recruitment of entry-level engineering and maintainer one positions and transportation maintainer two positions on DOT's behalf. It requires DOT to (1) establish the duration for each recruitment's application period and (2) make an employment offer or reject a candidate within 120 days after receiving a candidate’s application for these positions.

Lastly, the act specifically allows the DOT commissioner to consider a candidate’s application for another open position at the department without requiring the candidate to submit another application, so long as the candidate meets the other position's minimum experience and training qualifications.
EFFECTIVE DATE: July 1, 2022

PA 22-132—sSB 389
Transportation Committee

AN ACT CONCERNING TRAFFIC MITIGATION

SUMMARY: By January 1, 2023, this act requires the Police Officer Standards and Training (POST) Council, together with the Department of Transportation (DOT), to make a traffic incident management (TIM) training curriculum for police

officers. The curriculum must (1) align with the Federal Highway Administration's training and (2) provide for a systematic, planned, and coordinated approach to detect, respond, and clear traffic incidents to restore traffic capacity safely and efficiently.

Beginning October 1, 2023, police basic or review training programs must include the TIM curriculum. This requirement applies to training done conducted or administered by the POST Council, the Division of State Police within the Department of Emergency Services and Public Protection (DESPP), and municipal police departments. The state police and each municipal police department must keep records of when their officers completed the training.

The act also requires the DOT and DESPP commissioners to each develop plans, including recommended implementation funding, to expand the use of unmanned aerial vehicles (i.e., drones) for specified purposes. Specifically, by October 1, 2022, the DOT commissioner must submit his plan for inspecting transportation facilities with drones to the Appropriations and Transportation committees. By this same date, the DESPP commissioner must submit his plan for investigating vehicle accidents and other traffic incidents with drones to the Appropriations, Public Safety and Security, and Transportation committees.

EFFECTIVE DATE: Upon passage

PA 22-141—SB 332
Transportation Committee

AN ACT PROHIBITING CERTAIN VEHICLE STORAGE AGREEMENTS AS A PRECONDITION TO VEHICLE TOWING

SUMMARY: This act prohibits wrecker operators from requiring owners of damaged vehicles to sign a contract for storage as a part of the towing consideration. Existing law also prohibits wrecker operators from requiring vehicle owners to sign (1) a repair contract as part of the towing consideration or (2) a repair order or authorization to estimate repairs until the tow job is complete. The act further specifies that these prohibitions do not bar a damaged vehicle's owner and a wrecker operator from entering into repair or storage agreements after the tow job is complete.

EFFECTIVE DATE: October 1, 2022

PA 22-34—sHB 5367
Veterans' Affairs Committee

AN ACT CONCERNING MOTOR VEHICLE MARKER PLATES FOR CERTAIN VETERANS AND SERVICE MEMBERS, MUNICIPAL VETERANS SERVICES, VETERANS-RELATED PROPERTY TAX RELIEF AND TECHNICAL REVISIONS TO VETERANS' AND MILITARY AFFAIRS STATUTES

SUMMARY: This act establishes a new local option property tax exemption for income-qualifying veterans' primary residences. A municipality may adopt the exemption by a vote of its legislative body (or board of selectman if the legislative body is a town meeting). The exemption (1) is available to veterans with up to $50,100 in federal adjusted gross income and (2) equals 10% of the assessed value of a dwelling the veteran owns and uses as a primary residence. Under the act, a "veteran" is anyone honorably discharged, released under honorable conditions, or released with an other than honorable discharge, based on a qualifying condition, from active service in the armed forces (see BACKGROUND).

The act also:

1. explicitly codifies, for the purposes of the state's "period of war" definition, service in Afghanistan (October 24, 2001, to August 30, 2021) and Iraq (March 19, 2003, to December 31, 2011, or June 1, 2014, to December 9, 2021) and allows the motor vehicles commissioner to provide special registration marker plates to certain individuals who served while engaged in a combat or combat support role in these conflicts (§§ 1 & 2);
2. establishes a task force to evaluate state property tax relief for veterans and make recommendations about whether there should be tax relief adjustments (§ 31);
3. requires the Office of Policy and Management secretary, jointly with the veterans affairs commissioner, to annually provide a written notice to municipalities and veterans' organizations informing them about the property tax exemptions that a municipality may choose to approve for veterans, veterans' relatives or spouses, or people killed in action while on active military duty with the armed forces (§ 34);
4. requires the veterans affairs commissioner to submit to the Veterans' Affairs Committee, by September 1, 2022, recommendations for improving municipal veterans' representatives to ensure that the services they provide are consistent, effective, and efficient (see BACKGROUND) (§ 32); and
5. makes numerous technical changes (§§ 1-30).

EFFECTIVE DATE: October 1, 2022, except the property tax task force and municipal veterans' representative provisions are effective upon passage.

§ 33 — PROPERTY TAX EXEMPTION ADMINISTRATION

The act authorizes a new income-based, local option property tax exemption for veterans that applies in addition to existing state-mandated and local option veterans exemptions (e.g., the basic veterans exemption (CGS § 12-81(19)), disabled veterans exemptions (CGS § 12-81(20) & (21)), and income-based veterans exemptions (CGS § 12-81g). In municipalities that opt to establish the exemption, veterans may not receive it until they prove their right to it consistent with the act. Once proven, the exemption takes effect on the next succeeding assessment day.

Application

The act requires a veteran claiming the exemption to notify the town clerk in the municipality where his or her primary residence is located. Veterans must apply, on a form prepared by the municipal assessor, by the assessment date for which they are claiming the exemption (i.e., by October 1 of the respective assessment year). The application must include either (1) a certified copy of the veteran's military discharge document or (2) in its absence, at least two affidavits from disinterested individuals showing the applicant is a veteran (the assessor may additionally require that the applicant be examined under oath about the facts in the affidavits). It must also include the veteran's federal income tax return for the preceding tax year or, if one is not filed, other evidence the assessor requires.

Under the act, a town clerk must record the discharge documents or affidavits in full, list the veteran's name, and do so without payment. The act prohibits assessors, boards of assessment appeals, and other officials from allowing claims for this exemption unless the required documents are filed with the clerk. Veterans who are approved for the exemption must file for the exemption every two years.

List of Qualifying Veterans

Municipal assessors must annually create a certified list of all veterans who are found to qualify for the exemption. The

list must be filed in the clerk's office and is prima facie evidence that a veteran is entitled to the exemption, so long as he or she continues to use the dwelling as his or her primary residence.

Additional Evidence and Personal Appearance

At any time, an assessor may require a veteran to appear before him or her to provide additional evidence. But a veteran who is unable to do so because of total disability may give the assessor (1) a statement from his or her physician or nurse practitioner certifying that the veteran is totally disabled and cannot make a personal appearance and (2) other evidence of total disability that the assessor deems appropriate.

Presumption of Eligibility

Under the act, veterans who applied and were approved for the exemption in one year are presumed to also qualify in the following year. During that year, the assessor must give the veteran written notice of the presumed qualification. If the veteran's income exceeds $50,100, the veteran (1) must notify the assessor by the next filing date for the exemption and (2) must be denied the exemption until he or she has reapplied and requalified. Veterans who fail to notify assessors about their disqualification must repay the municipality for the property tax loss related to the improperly taken exemption.

§ 31 — VETERANS' PROPERTY TAX TASK FORCE

Purpose

The act establishes an eight-member task force to (1) evaluate state property tax exemptions, abatements, and other relief for veterans; (2) make recommendations on whether there should be adjustments to the relief for it to align more effectively with the intent of the relief when it was enacted; and (3) create a list of Connecticut municipalities with local property tax relief and the type of relief available in each.

The task force must report its findings and recommendations to the Veterans' Affairs and Planning and Development committees by January 1, 2023.

Membership and Appointments

Under the act, the task force members must be appointed as follows: two each by the House speaker and the Senate president pro tempore, and one each by the House and Senate majority and minority leaders. Members can be legislators. Initial appointments must be made by June 16, 2022, and any vacancy must be filled by the appointing authority.

Administration

The act requires the House speaker and Senate president pro tempore to select the task force's chairpersons from among its membership. The chairpersons must schedule the first meeting, which must be held by July 16, 2022.

The Veterans' Affairs Committee's administrative staff must serve as the task force's administrative staff. The task force ends when it submits its report to the legislature or January 1, 2023, whichever is later.

BACKGROUND

Qualifying Condition

By law, a "veteran" is anyone who was honorably discharged, released under honorable conditions, or released with an other than honorable discharge based on a qualifying condition from active service in the armed forces. A "qualifying condition" is a diagnosis of post-traumatic stress disorder or traumatic brain injury, a disclosed military sexual trauma, or a determination that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for the other than honorable discharge (CGS § 27-103).

Municipal Veterans' Representatives

The law requires a municipality to designate a municipal employee or a volunteer to serve as its municipal veterans' representative if it does not have its own local veterans' advisory committee or otherwise fund a veterans' service officer.

Under the law, these representatives have the same duties as a local veterans' advisory committee, which may include, among other things, coordinating the activities of public and private facilities concerned with veteran reemployment, education, rehabilitation, and adjustment to peacetime living (CGS § 27-135).

PA 22-62—sHB 5368
Veterans' Affairs Committee

AN ACT CONCERNING THE GOVERNOR'S GUARDS, CERTAIN MILITARY DEPARTMENT MONEYS AND A MILITARY FUNERAL HONORS RIBBON

SUMMARY: This act makes changes in several laws on the state military department. Specifically, it does the following:

1. authorizes the governor to order the Governor's Foot and Horse Guards ("Governor's Guards") to state military duty at any time, rather than only during certain emergency situations or in anticipation of them (§ 3);
2. removes provisions setting the number, rank, and structure of personnel allowed in the companies of the Governor's Guards, and instead generally allows company composition to be set by the governor's orders and regulations (§§ 1 & 2);
3. allows gifts, grants, and donations to be deposited into the Army National Guard morale, welfare and recreation account and renames the account (§ 4); and
4. authorizes the adjutant general to issue military funeral honor ribbons to military personnel, including Connecticut National Guard and organized militia members, who perform honor guard details (§ 5).

EFFECTIVE DATE: July 1, 2022

§§ 1-3 — GOVERNOR'S GUARDS

State Military Duty

The Governor's Guards are a part of the state's organized militia (CGS § 27-2) and often perform ceremonial military duties (e.g., at parades and other civic functions).

Prior law authorized the governor to order the Governor's Guards out for duty (i.e., to state military duty) in times of war, invasion, rebellion, or riot, or when he had a reasonable apprehension any of these would occur. The act instead allows him to order the Governor's Guards to state military duty at any time.

The act also deletes obsolete references to charter provisions specifying the guards' organization, training, and discipline. (PA 21-158 required the governor to configure and administer the state's militia units.)

Composition and Structure

Prior law specified the number, rank, and structure of the personnel in each of the four companies that compose the Governor's Guard. The act retains certain of each company's senior leadership positions (e.g., one major commandant and one sergeant major of specified ranks) but allows other personnel of any number or rank that comply with the commander-in-chief's (i.e., governor's) orders and regulations about the companies' organization and structure.

§ 4 — MORALE, WELFARE AND RECREATION ACCOUNT

The act renames the "Army National Guard state morale, welfare and recreation account," a nonlapsing account within the General Fund, as the "Military Department state morale, welfare and recreation account." The act also allows public and private gifts, grants, and donations to be deposited into the account, rather than only money that the law requires.

The act requires the adjutant general to annually report, beginning by August 1, 2022, to the Office of Policy and Management on deposits to and expenditures from the account.

BACKGROUND

Related Act

PA 22-118, § 117, is identical to the act's provision on military funeral honor ribbons (§ 5).

PA 22-63—sHB 5373
Veterans' Affairs Committee
Judiciary Committee

AN ACT ESTABLISHING CONCURRENT JURISDICTION WITH THE UNITED STATES OVER OFFENSES COMMITTED BY MINORS ON FEDERAL MILITARY INSTALLATIONS IN THIS STATE

SUMMARY: This act requires the state to exercise concurrent jurisdiction with the United States in matters where (1) a minor has violated federal law while on a U.S. Department of Defense (DOD) military installation, (2) the installation is located on land that the state previously ceded exclusive jurisdiction over to the federal government, and (3) the U.S. Attorney or U.S. District Court for the state waives exclusive jurisdiction over that matter.

Existing law allows the governor to accept back, on behalf of the state, concurrent or exclusive jurisdiction over these and other areas where the state has ceded exclusive jurisdiction to the federal government.
EFFECTIVE DATE: October 1, 2022

BACKGROUND

Exclusive and Concurrent Jurisdiction

When the federal government has exclusive jurisdiction over land, it means the laws and statutes governing those areas are those of the federal government, not the state.

Concurrent jurisdiction means both the state and the federal government generally have the independent authority to apply and enforce their laws, so long as there is no interference with the federal government's use of federal land.

Federal Authority to Establish Concurrent Jurisdiction Over Military Installations

DOD cannot prosecute individuals who are not subject to the Uniform Code of Military Justice (UCMJ), such as minors. As a result, any prosecutions of minors for crimes they commit on military installations over which the federal government has exclusive jurisdiction generally must occur under federal law. When concurrent jurisdiction is established, states' juvenile courts generally may hear and decide on juvenile offenses that occur on these military installations.

Federal law authorizes the secretaries of the military departments (Army, Navy, and Air Force) to relinquish to a state full or partial jurisdiction over lands or interests under the secretary's control in that state. They may do so (1) by filing a notice of relinquishment with the governor, which takes effect upon the governor's acceptance of it, or (2) as the state's laws provide (10 U.S.C. § 2683).

INDEX BY PA NUMBER