SUMMARY OF 2024 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
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
Matthew Hoppler
Janet Kaminski Leduc
Sarah Leser
Michelle Kirby
Shaun McGann
George Miles
Kristen Miller
John Moran
James Orlando
Rute Pinho
Heather Poole
Jessica Schaeffer-Helmecki

Library Staff

Jennifer Bernier
Carrie Lisitano
Christine McCluskey
Roka Reid

TABLE OF CONTENTS

NOTICE TO USERS

This publication, *Summary of 2024 Public Acts*, summarizes all public acts passed during the Connecticut General Assembly's 2024 Regular Session and June 26, 2024, Special 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.

2024 VETOED ACTS

1. PA 24-25, An Act Increasing the Threshold for Sealed Bidding on Certain Municipal Contracts (Planning and Development Committee)

2. PA 24-131, An Act Establishing a Connecticut Families and Workers Account (Appropriations Committee)

TABLES ON PENALTIES

Crimes

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

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

Crime Classification and Penalties

Classification of Crime	Prison Term	Fine (up to)
Class A felony (murder with special circumstances)	Life, without release	$20,000
Class A felony (murder)	25 to 60 years	20,000
Class A felony (aggravated sexual assault of a minor)	25 to 50 years	20,000
Class A felony	10 to 25 years	20,000
Class B felony (1st degree manslaughter with a firearm)	5 to 40 years	15,000
Class B felony	1 to 20 years	15,000
Class C felony	1 to 10 years	10,000
Class D felony	up to 5 years	5,000
Class E felony	up to 3 years	3,500
Class A misdemeanor	up to 364 days*	2,000
Class B misdemeanor	up to 6 months	1,000
Class C misdemeanor	up to 3 months	500
Class D misdemeanor	up to 30 days	250

*****Effective October 1, 2021, CGS § 53a-36a reduced the maximum sentence for misdemeanors from one year to 364 days.

Violations

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

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

Infractions

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

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

EMERGENCY CERTIFICATION

PA 24-81—HB 5523
Emergency Certification

AN ACT CONCERNING ALLOCATIONS OF FEDERAL AMERICAN RESCUE PLAN ACT FUNDS AND PROVISIONS RELATED TO GENERAL GOVERNMENT, HUMAN SERVICES, EDUCATION AND THE BIENNIUM ENDING JUNE 30, 2025

TABLE OF CONTENTS:

§ 18 — NEEDS ASSESSMENT ON POSTSECONDARY EDUCATION PROGRAMS IN CORRECTIONAL FACILITIES

Requires OPM's Criminal Justice Policy and Planning Division, in consultation with DOC, to do a needs assessment of the facilities, materials, and staffing required to deliver postsecondary education programs in correctional facilities

§ 21 — YOUTH SERVICES PREVENTION GRANTS

Specifies Youth Services Prevention grant amounts for various organizations in FY 25

§ 22 — STUDENT LOAN REIMBURSEMENT PROGRAM

Modifies requirements for the OHE Student Loan Reimbursement Program, including (1) expanding the program to include students who have attended and graduated with an associate degree, (2) requiring the OHE executive director to establish hardship waiver qualifications and post program forms online, and (3) requiring specific documentation from participants as part of their annual reporting requirements

§§ 23 & 24 — SEWERAGE GRANT PROGRAM FOR HARTFORD RESIDENTS AND PROPERTY OWNERS

Primarily changes the Hartford Sewerage System Repair and Improvement Fund program by (1) capping at $50,000 the grant amount each applicant may receive for real and personal property that was used for business purposes; (2) limiting eligibility for real property assistance to those who have requested an assessment from the MDC's sewer back-up prevention program by April 30, 2025; and (3) establishing procedures for judge trial referees, rather than the comptroller, to hear appeals of the program administrator's decisions about an applicant's eligibility or grant amount

§§ 25-30 — RESTRICTIONS ON RECOVERY OF COSTS OF CARE FOR DECEASED STATE HUMANE INSTITUTION RESIDENT

Prohibits DAS from recovering from a deceased person's estate charges for care in a state humane institution except under certain circumstances; requires DAS to release any liens filed for recovery of these charges

§§ 31-33 — COST OF INCARCERATION

Regarding the state's claim for an individual's incarceration costs, generally (1) terminates claims associated with crimes on an erased criminal record and prohibits the reimbursement of claims paid before July 1, 2024; (2) exempts up to $50,000 from the lien the state may place on an inmate's inheritance; and (3) specifies that any property the probate court deems an asset must be used to pay the state's claim against the estate of certain inmates

§ 34 — DESPP MISSING PERSONS CLEARINGHOUSE

Removes children with IDD from the missing persons information clearinghouse

§ 35 — HOSPITAL PILOT FOR ASD SERVICES

Narrows the type of hospital DSS must select for a two-year pilot program on ASD to one in Hartford County with an established program for children and adolescents

§ 36 — HUMAN SERVICES CAREER PIPELINE

Removes the July 1, 2024, deadline to establish the career pipeline program and requires the CWO to report on its plan for the program by that date; requires the CWO to establish the pipeline program within available appropriations

§ 37 — LOCAL VOLUNTARY PUBLIC SAFETY REGISTRATION SYSTEM

Eliminates the local voluntary public safety registration system for children with IDD and the requirement that PSAP emergency dispatchers search this system's database when dispatching emergency services to a residential address

§§ 38 & 39 — INCOME LIMITS FOR HUSKY A PARENTS AND CARETAKER RELATIVES AND HUSKY C

Lowers the income limit for HUSKY A parents and caretaker relatives from 155% of FPL to 133% of FPL; reduces the scheduled October 1 HUSKY C income limit increase from 105% of FPL to 159% of the TFA monthly cash benefit

§§ 40-43 — PASSPORT TO THE PARKS

Increases the Passport to the Parks motor vehicle registration fee; provides funding from the Passport to the Parks account for operating (1) Batterson Park and (2) the Thames River Heritage Park water taxi; requires DEEP to enter into MOAs for related purposes

§ 44 — UCONN HEALTH CENTER EMPLOYEE FRINGE BENEFITS

Requires the comptroller to (1) use up to $4.5 million of funds appropriated for State Comptroller-Fringe Benefits to fund a portion of the fringe benefits for UCHC employees and (2) enter into an MOU with UCHC for providing operational support

§§ 45 & 46 — EDUCATIONAL MATERIALS ON INTIMATE PARTNER VIOLENCE TOWARDS PREGNANT AND POSTPARTUM PEOPLE

Requires DPH to develop educational materials on intimate partner violence toward pregnant and postpartum people (PA 24-151 changes this terminology to "expectant and postpartum mothers and persons"); requires DPH to distribute the educational materials to certain health care providers and facilities to give to patients; transfers, from the Maternal Mortality Review Committee to DPH, responsibility for developing educational materials on certain other topics

§§ 47 & 48 — XL CENTER

Specifies that the XL Center includes the adjoining garage for CRDA's operating and capital project agreements with contractors; exempts from the sales and use taxes personal property or services needed for the XL Center's operations and sold to the contractor operating the center; increases the maximum amount that the state, CRDA, or both must contribute to the center's renovation

§ 49 — NEEDS ASSESSMENT ON POSTSECONDARY EDUCATION PROGRAMS IN CORRECTIONAL FACILITIES

Contains identical provisions as in § 18; see above for analysis

§ 50 — ROBERTA B. WILLIS SCHOLARSHIP FUNDING

Requires OHE to (1) disburse Roberta B. Willis scholarship program funds for FYs 24 and 25 according to a plan developed by the office and (2) reserve up to $15 million from the program's FY 25 appropriation for disbursement during FY 26

§ 51 — CONNECTICUT PORT AUTHORITY REPORT

Requires the CPA, by January 1, 2025, to begin quarterly reporting to the Transportation and Appropriations committees on a staffing plan to handle its needs and its efforts for certain activities and programs

§ 52 — THE TRANSFORMING CHILDREN'S BEHAVIORAL HEALTH POLICY AND PLANNING COMMITTEE

Expands the Transforming Children's Behavioral Health Policy and Planning Committee's membership by adding two representatives from the federally recognized Indian tribes in the state; extends, by two years, the committee's reporting deadlines

§ 53 — 2024-25 ACADEMIC YEAR CHANGES TO THE ROBERTA B. WILLIS SCHOLARSHIP PROGRAM

Prohibits OHE from requiring that Roberta B. Willis scholarship program need-based grants be reduced based on a student's initial qualifications as determined from his or her FAFSA; pauses the requirement that the program's need and merit-based grants be awarded in a higher amount than its need-based grants

§§ 54 & 55 — CONNECTICUT HYDROGEN AND ELECTRIC AUTOMOBILE PURCHASE REBATE (CHEAPR) PROGRAM

Modifies the CHEAPR rebate amount for residents of environmental justice communities; requires certain proceeds from RGGI to be used for the CHEAPR program (rather than the CHEAPR account) and other programs that support DEEP's engagement with environmental justice communities

§ 56 — DISTRESSED MUNICIPALITY DESIGNATION

Generally extends, from five years to 10, the time period for which municipalities with a population exceeding 100,000 are deemed to be distressed municipalities after being removed from DECD's annual list

§§ 57-59 — CIGARETTE DEALER LICENSES AND RENEWALS

Requires cigarette dealer license applicants to post certain notices at their businesses; provides a process to object to a dealer's license application; allows municipalities to adopt ordinances to require these dealers to notify the chief law enforcement official of license renewals and allows the official to comment; requires DRS to consider these comments and report certain statistics on these notifications to the legislature

§ 60 — UNION AVENUE DETENTION CENTER

Starting in 2026, requires that the Union Avenue detention center in New Haven be under the jurisdiction of an OPM-determined state agency rather than that of the local police

§§ 61-63 — MEDICAID COVERAGE FOR SCHOOL-BASED HEALTH SERVICES

Requires DSS to amend the Medicaid state plan to expand coverage for health care services provided to eligible students (1) by or on behalf of a LEA or (2) in school nurses' offices; establishes an interagency coalition to coordinate and make recommendations to maximize federal funding for Medicaid-eligible health care services in public schools

§ 64 — PHASING OUT MED-CONNECT INCOME AND ASSET LIMITS

Increases income and asset eligibility limits in the Med-Connect program starting in April 2025 and annually starting in July 2026, and eliminates them in July 2029

§§ 65 & 68 — BUREAU OF SERVICES FOR PERSONS WHO ARE DEAF, DEAFBLIND OR HARD OF HEARING

Establishes the bureau within ADS and requires the department to hire a bureau director; requires state agencies to appoint an employee to serve as a point of contact for concerns related to people who are deaf, deafblind, or hard of hearing

§§ 66, 67, 69 & 71 — ADVISORY BOARD FOR PERSONS WHO ARE DEAF, DEAFBLIND OR HARD OF HEARING

Renames the board, changes its membership, and expands its duties and reporting requirements

§§ 70 & 72 — ADS SERVICES FOR PEOPLE WHO ARE DEAFBLIND

Expands ADS responsibilities to include providing services for people who are deafblind, generally conforming to practice

§ 73 — METHADONE MAINTENANCE RATE INCREASE

Requires DSS to increase Medicaid rates, within available appropriations, for chemical maintenance providers who currently receive the lowest weekly reimbursement rate

§ 74 — MEDICAID AMBULANCE RATES

Requires DSS to increase FY 25 ambulance rates within available appropriations, including increasing the mileage rate for Medicaid-covered ambulance transportation by $1.18 and providing mileage reimbursement for in-town trips

§ 75 — PACT PROGRAM

Expands the PACT Program's eligibility to include transition program students; increases the program's minimum award amounts; names the awards the "Mary Ann Handley Award"; requires BOR's upcoming semesterly reports on certain program metrics by November 1, 2024, and March 1, 2025

§ 76 — DEADLINE EXTENSION TO SUBMIT RECOMMENDATIONS ON CREATING A NEW SOLID WASTE-RELATED ENTITY

Extends, until July 1, 2025, the deadline for OPM to give the Environment and Energy and Technology committees recommendations on the feasibility and advisability of creating a new solid waste-related quasi-public state agency, waste authority, or other entity

§ 77 — SMALL TOWN ECONOMIC ASSISTANCE PROGRAM

Increases, from $500,000 to $1 million, the maximum STEAP grant amount a municipality can receive per fiscal year

§ 78 — VACATION AND PERSONAL DAYS DURING WORKING TEST PERIODS

Gives full-time permanent state employees paid vacation days and personal days during their initial working test periods

§ 79 — STATE AGENCY DUAL EMPLOYMENT

Eliminates a provision that prohibits certain state agency deputies from having other employment

§§ 80 & 81 — JUDICIAL RETIREMENT SYSTEM AMORTIZATION

Changes the method for determining the state's contribution for JRS unfunded liability from a 40-year amortization to a 15-year layered amortization, which effectively extends the contributions for an additional seven years; requires the state retirement commission to revise the JRS actuarial valuation using the new amortization method

§§ 82-85 — CONNECTICUT MUNICIPAL REDEVELOPMENT AUTHORITY

Requires MRDA to provide members, by request, assistance on developing project criteria and regulations to increase housing production; authorizes it to establish criteria to evaluate its projects' potential impacts; eliminates a requirement that members appoint a local development board

§ 86 — INVESTMENT ADVISORY COUNCIL "GIFTS"

Allows the IAC's public members to receive travel expenses, lodging, food, beverages, and other benefits customarily provided in the course of employment without violating the state code of ethics

§ 87 — REPEAL OF STUDENT LOAN REIMBURSEMENT AND RELATED PROGRAMS

Repeals several student loan reimbursement, scholarship, and related programs

§ 88 — REPEAL OF MULTILINGUAL LEARNER EDUCATOR INCENTIVE PROGRAM

Repeals the multilingual learner educator incentive program

§ 89 — CONNECTICUT PORT AUTHORITY QUARTERLY STATUS REPORT REVIEW

Eliminates the requirement that DAS and OPM review and comment on the Port Authority's quarterly report before it is submitted to the Transportation Committee

§§ 90, 91 & 131-232 — HEALTH STRATEGY AND HIGHER EDUCATION COMMISSIONERS

Renames the title of OHS's and OHE's executive heads as "commissioners" rather than "executive directors"

§ 92 — TOBACCO AND HEALTH TRUST FUND TRANSFER

Suspends the annual $12 million disbursement from the Tobacco Settlement Fund to the Tobacco and Health Trust Fund for FY 25 and redirects it to the General Fund

§§ 93 & 94 — DSS PHARMACY APPROVALS

Increases, from 2 to 24 hours, how much time DSS has to grant or deny pharmacy requests for prior authorization or dispensing name brand drug products before they are deemed approved

§§ 95-97 — BIOMEDICAL RESEARCH TRUST FUND

Eliminates the Biomedical Research Trust Fund and requires the state comptroller to transfer its remaining balance to the General Fund

§ 98 — EMS REGIONAL COORDINATOR POSITIONS TO CLASSIFIED SERVICE

Requires DAS to transition EMS regional coordinators and assistant regional coordinators to classified service

§ 99 — INFORMATION REQUESTS TO STATE AGENCIES

Requires requests for certain information to be directed to the state agency where the information originated

§ 100 — AGREEMENTS OR SOLICITATIONS TO LOCATE UNCLAIMED PROPERTY

Expands requirements and processes for agreements and solicitations to locate unclaimed property

§§ 101-104 — COPAYMENT-ONLY HEALTH PLANS

Exempts copayment-only health plans from the insurance law's copayment limitations for certain in-network imaging services and physical and occupational therapy services

§ 105 — PRESUMPTIVE MEDICAID ELIGIBILITY FOR HOMECARE

Eliminates Section 10 of PA 24-39 and replaces it with generally similar provisions; requires the DSS commissioner to establish a presumptive Medicaid eligibility system for people applying to the Medicaid-funded portion of CHCPE; requires the state to pay for up to 90 days of home care for applicants found presumptively Medicaid eligible

§ 106 — MEN'S HEALTH PUBLIC AWARENESS AND EDUCATION CAMPAIGN

Requires the DPH commissioner to create and annually report on a campaign promoting community-based screening and education for common diseases affecting high-risk male populations

§ 107 — HIGHER EDUCATION FINANCIAL SUSTAINABILITY ADVISORY BOARD

Establishes the Higher Education Financial Sustainability Advisory Board, designates its members, assigns the board powers and duties, and requires public higher education institutions and the UConn Health Center to submit certain information to the board at the chairpersons' request

§ 108 — EDUCATION MANDATE REVIEW ADVISORY COUNCIL

Modifies criteria for two of the council's 10 appointees

§ 109 — POPULATION DATA FOR MUNICIPAL GRANTS

For FY 25, requires OPM to use DPH's 2021 population estimates to calculate municipal grants

§ 110 — BOR MEMBERSHIP EXPANSION

Expands BOR to include the OPM secretary as an ex-officio, nonvoting member

§ 111 — TECHNICAL CORRECTIONS DURING CODIFICATION

Requires LCO to make necessary technical, grammatical, and punctuation changes when codifying the act and other public acts

§§ 112-119 — REVISIONS TO MAGNET SCHOOL AND VO-AG CENTER FUNDING PROGRAMS; CREATION OF NEW CHOICE PROGRAM GRANT

Makes significant changes to education funding grant programs for (1) interdistrict magnet schools and (2) regional agricultural science and technology centers (i.e., "vo-ag centers"); eliminates, for FY 25, the existing magnet school and vo-ag center grants, and replaces them with new grants under the choice program

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

Requires SDE to apportion the $150 million appropriated for FY 25 for "Education Finance Reform" in specific amounts for (1) supplemental funds for the following grants: ECS, charter schools, interdistrict magnet schools, the Open Choice Program, and vo-ag centers, and (2) grants for specific projects, programs, towns, and agencies

§ 121 — PLAN TO CONVERT THE STATE BOARD OF EDUCATION INTO AN ADVISORY BOARD

Requires the SDE commissioner to develop a plan to convert SBE into an advisory board and make the SDE commissioner the department head

§ 122 — ASSET AND CAPACITY MAPPING FOR NONPROFITS

Requires UConn's School of Public Policy to conduct a study and comprehensive asset and capacity mapping for nonprofit organizations to support information-sharing and collaboration between nonprofits and communities; requires the school to provide an interim report and a final report to the Education Committee

§ 123 — SDE DISTRIBUTION OF PARAEDUCATOR FUNDING

Sets a September 1, 2024, deadline for SDE to distribute to school boards the FY 23 amount allocated to the department from ARPA funding for paraeducator professional development

§§ 124 & 126 — PARAEDUCATOR HEALTH INSURANCE PROGRAMS

Extends by one year an HSA subsidy program for paraeducators and expands it to cover HDHPs for Medicare-eligible paraeducators; requires the comptroller to establish a one-year premium subsidy program for school boards that provide paraeducators with certain health plans; requires the comptroller and SDE commissioner to enter into an MOU related to these programs; repeals a program giving stipends to paraeducators to purchase a qualified health plan through Access Health CT

§ 125 — SERC FUNDING ALLOCATION

Requires, rather than allows, the SDE commissioner to allocate funds to SERC

§§ 127-130 — DEEP PUBLIC HEARINGS FOR TRANSPORTATION CAPITAL PROJECTS

For certain transportation capital projects, requires specified information to be included in a petition for a DEEP public hearing on an application for a (1) tidal or inland wetland activity permit; (2) structures, dredging, or fill permit; or (3) certification to conduct certain work in a floodplain

§§ 233-239 — FY 24 BUDGET ADJUSTMENTS

Makes deficiency appropriations for FY 24 in the General Fund and STF and reduces appropriations in five appropriated funds

§§ 240 & 241 — CARRYFORWARD OF CERTAIN CANNABIS-RELATED APPROPRIATIONS

Carries forward certain unspent funds appropriated to OPM for costs associated with cannabis legalization and requires them to be used for other purposes (however, a separate act repeals these provisions and carries forward these funds for different purposes)

§ 242 — SCHOOL MEALS

For FY 25, makes SDE financially responsible for school boards' portion of the cost for reduced price meals for students not enrolled in a school that qualifies for maximum federal reimbursement under the CEP

§ 243 — MRDA REQUIREMENT REPEALED

Repeals the requirement that MRDA review and approve a member municipality's economic development master plan before executing an MOA with it, as well as related provisions

§§ 1, 6 & 7 — ARPA PROVISIONS

Reallocates $365,077,512 in ARPA funding and authorizes the OPM secretary to reallocate ARPA funds subject to specified parameters

Reallocations (§ 1)

The act reallocates $365,077,512 million in federal American Rescue Plan Act (ARPA) funds for various purposes in FY 25. These allocations include the following additional amounts:

1. $80,000,000 to the Connecticut State Colleges and Universities (CSCU);
2. $57,700,000 and $22,300,00 to UConn and the UConn Health Center, respectively, for temporary support;
3. $50,000,000 to the Office of Policy and Management (OPM) for private providers;
4. $41,100,000 to OPM for municipal aid to specified towns; and
5. $18,800,000 to the Office of Early Childhood for Care 4 Kids.

The act also changes the purposes for which certain previous allocations may be used.

Unobligated Funds (§ 7)

Federal law generally requires that states obligate their ARPA funds by December 31, 2024, and spend them by December 31, 2026. (Under the law, "obligation" generally means (1) an order placed for property and services or (2) entering into contracts, subawards, and similar transactions requiring payment.) Starting October 15, 2024, the act requires the OPM secretary to reallocate ARPA funds that he reasonably believes will not be obligated or spent by these deadlines in the manner specified in the act.

More specifically, if the comptroller's last cumulative monthly statement before October 15, 2024, projects a General Fund deficit, the act requires the OPM secretary to reallocate ARPA funds to cover deficiencies, up to the amount of the projected deficit. If there is no projected deficit, or if funds remain after addressing the deficit, the OPM secretary must reallocate $40,000,000 to CSCU ($20,000,000), UConn ($10,000,000), and the UConn Health Center ($10,000,000), with amounts reduced proportionately if less than $40,000,000 is available. If funds still remain after these allocations, OPM may reallocate the funds for any use allowable under ARPA.

Under the act, at least 10 days before any reallocation, the OPM secretary must submit to the Appropriations Committee a list of funds to be reallocated and the uses for which they will be allocated.

Unspent or Unallowed Allocations (§ 6)

Starting January 1, 2025, the act allows the OPM secretary to reallocate any ARPA funds that are (1) obligated for an allowable use by December 31, 2024, but not spent or (2) obligated by that date but spent on a use determined to be unallowable. These funds may be reallocated and obligated to any use allowable under ARPA.

EFFECTIVE DATE: Upon passage, except the provision allowing the OPM secretary to reallocate ARPA allocations that are unspent or unallowed is effective January 1, 2025.

§§ 2, 8-11, 19 & 20 — CARRYFORWARDS

Carries forward certain agencies' unspent funds and requires that they be used in FY 25 for specified purposes

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

Funds Carried Forward to FY 25

§	Agency	FY 24 Purpose	FY 25 Purpose	Amount
8	Office of Legislative Management (OLM)	Minor capital improvements	Same as FY 24	Up to $3,000,000
9	OLM	Statues	Support removal of the John Mason statue from the Capitol building	Up to $100,000

§	Agency	FY 24 Purpose	FY 25 Purpose	Amount
10	Department of Emergency Services and Public Protection (DESPP)	Other expenses: for Marlborough Fire Department facility upgrades	Other expenses: for Marlborough Fire Department facility upgrades and equipment at the facility	Unspent balance
11(a)	Commission on Women, Children, Seniors, Equity and Opportunity	Personal services	Support staff positions	Up to $120,000
11(b)	Commission on Women, Children, Seniors, Equity and Opportunity	Other expenses	Support a study on community-based bereavement and grief counseling services	Up to $50,000
19	Judicial Department	Youth Services Prevention	Support University of New Haven's performance-based accountability project youth services grants	Up to $125,000
20	Judicial Department	Youth Services Prevention and Youth Violence Initiative	Juvenile justice system needs, as the Chief Court Administrator determines	Unspent balance

The act also reserves $250,000 from funds that the FY 24-25 budget act (PA 23-204) appropriated to the Labor Department for the Youth Employment Program for FY 24 and carried forward to FY 25 for the same purpose (§ 2). The reserved funds must be allocated to Capital Workforce Partners for administration related to establishing new programming.
EFFECTIVE DATE: Upon passage

§§ 3 & 5 — SPENDING REDUCTIONS AND BUDGETED LAPSES

Prohibits the OPM secretary from achieving FY 25 budgeted lapses by reducing spending related to certain constitutional offices; expands the OPM secretary's authority to reduce General Fund executive branch expenditures by $129 million for FY 25

The FY 24-25 budget act (PA 23-204) authorizes the OPM secretary to reduce spending for the executive and judicial branches to achieve specified budgeted lapses in the General Fund. This act prohibits OPM from reducing spending (e.g., reducing allotment requisitions or allotments in force) for the state treasurer, secretary of the state, state comptroller, or attorney general in FY 25, regardless of this authority.

The act also expands the OPM secretary's authority to reduce General Fund executive branch expenditures by $129 million for FY 25 by eliminating the requirement that these reductions be made in personal services. (This reduction corresponds to a required $129 million lapse to "Reflect Historical Staffing" for FY 25, unchanged by this act.) The FY 24-25 budget act additionally authorizes the OPM secretary to reduce allotments for the executive branch by $48.7 million in FY 25 to achieve budgeted lapses in the General Fund.
EFFECTIVE DATE: July 1, 2024

§ 4 — GOVERNOR'S AUTHORITY TO MAKE INTRA- AND INTER-AGENCY TRANSFERS FOR FY 25

For FY 25, (1) increases the cap on the amount the governor may transfer between an agency's appropriations without the FAC's approval and (2) authorizes the governor to transfer appropriations between agencies, with FAC approval, for retirement system contributions

If an agency's appropriation is insufficient to pay the necessary expenses for which the appropriation was made, existing law authorizes the governor, at the agency's request, to transfer funds from one of the agency's other appropriations to cover the expenses. But the law generally requires the Finance Advisory Committee's (FAC) approval for transfers exceeding $175,000 or 10% of the specific appropriation, whichever is less. For FY 25 only, the act increases this threshold to the lesser of $350,000 or 25% of the specific appropriation. As under existing law, FAC approval is not required for transfers from fringe benefit appropriations to the operating funds of the higher education constituent units.

The act also allows the governor to make inter-agency transfers for FY 25, with the FAC's consent, to fund the actuarially determined employer contribution for the State Employees Retirement Fund, Teachers' Retirement Fund, or State Judges' Retirement Fund. As under existing law for intra-agency transfers, the governor must notify the Appropriations Committee and the Office of Fiscal Analysis director of these transfers.

EFFECTIVE DATE: July 1, 2024

§ 12 — COMPENSATION ADJUSTMENTS FOR NONPARTISAN LEGISLATIVE EMPLOYEES

Requires OLM to give nonpartisan legislative employees the same wage adjustments provided to other state employees under the SEBAC Wage Re-Opener Agreement

The act requires OLM, for FY 25, to apply to nonpartisan legislative employees terms consistent with those in the SEBAC 2022 Wage Re-Opener Agreement between the state and the State Employees Bargaining Agent Coalition (SEBAC) ratified on March 29, 2024. Under that agreement, most state employees receive a 2.5% general wage increase and an annual increment in FY 25. The act specifies that its provisions apply regardless of the laws on legislative agencies and any personnel policies adopted under them.
EFFECTIVE DATE: July 1, 2024

§ 13 — PROBATE COURT ADMINISTRATION FUND

Requires that at least $12 million of the Probate Court Administration Fund's balance at the end of FY 24 remain in the fund rather than be transferred to the General Fund even if the balance exceeds the existing threshold

Under existing law, if there is a balance in the Probate Court Administration Fund on each June 30 exceeding 15% of its authorized expenditures for the coming fiscal year, then that excess must be transferred to the General Fund.

Regardless of this provision, the act requires that at least $12 million from the probate fund stay in the fund on June 30, 2024, rather than be transferred to the General Fund, even if the probate fund's balance exceeds the 15% threshold.
EFFECTIVE DATE: Upon passage

§ 14 — FUNDING FOR BRIDGEPORT ELECTION MONITOR

Transfers $150,000 from SEEC to the secretary of the state to fund an election monitor position in Bridgeport

The act transfers $150,000 appropriated to the State Elections Enforcement Commission (SEEC) under PA 23-204, § 1, for FY 25, to the secretary of the state to fund an election monitor position in Bridgeport.

For the 2024 state election, PA 23-1, September Special Session, § 7, requires the secretary to contract with an individual to serve as an election monitor in any municipality with a population of at least 140,000 (i.e., Bridgeport). The act requires the secretary to contract with the election monitor until December 31, 2024, unless the secretary terminates the contract for any reason before then.
EFFECTIVE DATE: Upon passage

§ 15 — MEDICAID BEHAVIORAL HEALTH SERVICES FOR CHILDREN

Makes available $7 million from the FY 25 Medicaid appropriation to increase rates for behavioral health services for children

The act requires $7 million from the FY 25 Medicaid appropriation to the Department of Social Services (DSS) in last year's budget act to be made available for rate increases for providers of behavioral health services to children, including all family therapy services.
EFFECTIVE DATE: Upon passage

§ 16 — MICROGRID FUNDING

Allows DEEP to use up to $5,224,415 from bond funding authorized in 2013 to reimburse design and construction costs for a microgrid at the U.S. Naval Submarine Base New London

PA 13-239, § 13, authorized $15 million in bond funding for the Department of Energy and Environmental Protection's (DEEP) program to establish microgrids to support critical and municipal infrastructure, since renamed as the Microgrid and Resilience Grant and Loan Program. Regardless of the law setting requirements for this program, the act authorizes

DEEP to use a portion of these funds to reimburse design and construction costs for a microgrid at the U.S. Naval Submarine Base New London in Groton, up to $5,224,415.

Under existing law, DEEP's Microgrid and Resilience Grant and Loan Program awards grants or loans to eligible participants for local distributed energy generation or resilience projects (CGS § 16-243y). A microgrid is a group of interconnected loads and distributed energy resources within clearly defined electrical boundaries that acts as a single controllable entity with respect to the grid. Microgrids can connect and disconnect from the grid to operate in either grid-connected or island mode.

EFFECTIVE DATE: Upon passage

§ 17 — DOC VOCATIONAL VILLAGE PROGRAM

Requires the DOC commissioner to prepare and equip the department and its post-secondary education partners to use allocated funding under the vocational village program for programs that produce economic and other benefits, including inmate employment opportunities

By law, the Department of Correction (DOC), in consultation with the Department of Economic and Community Development (DECD), administers a vocational village program to provide skilled trades training to inmates, including opportunities to earn nationally recognized industry certifications and credentials. OPM must allocate funds to DOC for the program from the federal funds the state has received under certain laws, including ARPA.

The act requires the DOC commissioner to prepare and equip the department and its post-secondary education partners to use this allocated funding for programs that produce economic and other benefits, including employment opportunities for inmates.

EFFECTIVE DATE: July 1, 2024

§ 18 — NEEDS ASSESSMENT ON POSTSECONDARY EDUCATION PROGRAMS IN CORRECTIONAL FACILITIES

Requires OPM's Criminal Justice Policy and Planning Division, in consultation with DOC, to do a needs assessment of the facilities, materials, and staffing required to deliver postsecondary education programs in correctional facilities

The act requires OPM's Criminal Justice Policy and Planning Division, in consultation with DOC, to do a needs assessment of the facilities, materials, and staffing required to deliver postsecondary education programs in correctional facilities. The assessment must include at least the following:

1. feedback solicitation from higher education institutions that provide postsecondary education programs in correctional facilities to understand current needs;
2. an analysis of DOC's policies on incarcerated individuals' postsecondary education;
3. an estimate of the level of unmet demand for this type of education;
4. an inventory of (a) correctional facilities (including classrooms, multi-purpose rooms, libraries, and study rooms); (b) staffing; and (c) materials currently available for education delivery (including education technology and internet access);
5. recommendations for and a cost analysis of improving facilities, staffing, and materials to meet the unmet demand;
6. a survey of (a) students of postsecondary education programs in correctional facilities; (b) former students of these programs, in consultation with regional reentry programs; and (c) any person or group the division deems necessary; and
7. any other barriers to the effective delivery of these education programs.

The act requires the OPM secretary to report on the needs assessment to the Higher Education and Employment Advancement Committee by January 1, 2025.

EFFECTIVE DATE: July 1, 2024

§ 21 — YOUTH SERVICES PREVENTION GRANTS

Specifies Youth Services Prevention grant amounts for various organizations in FY 25

The FY 24-25 budget act (PA 23-204) appropriated $7.28 million to the Judicial Department in FY 25 for Youth Services Prevention. The act specifies the grant amounts that must be awarded from this appropriation to various organizations.

EFFECTIVE DATE: July 1, 2024

§ 22 — STUDENT LOAN REIMBURSEMENT PROGRAM

Modifies requirements for the OHE Student Loan Reimbursement Program, including (1) expanding the program to include students who have attended and graduated with an associate degree, (2) requiring the OHE executive director to establish hardship waiver qualifications and post program forms online, and (3) requiring specific documentation from participants as part of their annual reporting requirements

PA 23-204, § 174, requires the Office of Higher Education (OHE) executive director, by January 1, 2025, to establish a student loan reimbursement program to annually reimburse eligible people for up to $5,000 of their student loan payments, within available appropriations, for up to four years per participant. This act expands the program and adjusts its eligibility and documentation requirements.
EFFECTIVE DATE: July 1, 2024

Program Expansion

Under prior law, OHE could allow anyone to participate in the program who has a student loan and, among other eligibility criteria, attended and graduated with a bachelor's degree from an in-state college (public or private). The act expands eligibility for the program to also include those who have attended and graduated with an associate degree.

Verification Requirements

The act requires each program participant to annually submit to OHE, in a manner the executive director sets, a statement from a student loan servicer that includes the amounts for the outstanding loan balance for each student loan and the total of the year-to-date payments made on each student loan, rather than student loan payment receipts as prior law required.

The law also requires participants to (1) be state residents as defined under state income tax law and (2) have been so for at least five years. The act specifies that the OHE executive director determines whether applicants meet this residency requirement.

Hardship Waiver and Program Application Forms

The act removes provisions on OHE allowing program participation by students who left a college or university in good academic standing before graduation, and instead allows the OHE executive director to grant a hardship waiver as part of the program eligibility requirements.

It requires the OHE executive director, by January 1, 2025, to post on the office's website (1) hardship waiver qualifications and (2) required application forms for the student loan reimbursement program and hardship waiver. The program application must include an option for a person to disclose their demographic information.

Volunteer Requirement

Existing law requires each program participant to volunteer at a nonprofit for at least 50 unpaid hours per year. The act requires the nonprofit to be registered with the Department of Consumer Protection or a municipal government.

Under the act, program participants must annually submit to OHE, in a manner the executive director sets, a notarized form documenting the number of volunteer hours they completed, signed by their supervisor or another employee of the nonprofit or municipal entity for which they volunteered (or their commanding officer, for military service). Prior law required participants to submit evidence of having completed volunteer hours but did not specify the form of that evidence.

§§ 23 & 24 — SEWERAGE GRANT PROGRAM FOR HARTFORD RESIDENTS AND PROPERTY OWNERS

Primarily changes the Hartford Sewerage System Repair and Improvement Fund program by (1) capping at $50,000 the grant amount each applicant may receive for real and personal property that was used for business purposes; (2) limiting eligibility for real property assistance to those who have requested an assessment from the MDC's sewer back-up prevention program by April 30, 2025; and (3) establishing procedures for judge trial referees, rather than the comptroller, to hear appeals of the program administrator's decisions about an applicant's eligibility or grant amount

The act makes several changes to the Hartford Sewerage System Repair and Improvement Fund and its associated grant program. By law, the program must provide grants to (1) give financial assistance to eligible owners of real property in Hartford to pay for necessary repairs from flood damage caused on or after January 1, 2021, and (2) reimburse residents for costs associated with damage to personal property due to flooding occurring on or after that date.

The act eliminates a prior requirement that owners of eligible real property be Hartford residents. It also:

1. caps grant amounts for damages to certain types of property;
2. generally limits eligibility for real property assistance to individuals who have requested a sewer back up assessment by a specified date;
3. designates judge trial referees, rather than the comptroller, as the hearing authority for applicants' appeals of decisions about their eligibility or grant amounts; and
4. modifies who may conduct assessments of applicants' damages.

The act additionally authorizes the program administrator to make grant payments directly to a contractor or vendor an applicant hired to make repairs. It also makes minor and conforming changes.

EFFECTIVE DATE: Upon passage

Grant Amount Cap

The act caps at $50,000 the grant amount each applicant may receive for costs incurred for repairs to real property and damage to personal property that was used for business purposes when the damage occurred.

Eligibility Requirement

Beginning May 1, 2025, to be eligible for financial assistance for real property repairs under the act, new applicants generally must have requested an assessment from the Metropolitan District Commission (MDC) sewer backup prevention program by April 30, 2025. (This program provides free technical assistance, on-site plumbing surveys, and other assistance to help customers avoid sewer backups into their homes.)

Under the act, an applicant who did not request this assessment may still be eligible for assistance if the grant program administrator determines, under criteria the comptroller approves, that extenuating circumstances prevented the applicant from doing so. Otherwise, the administrator must, in consultation with MDC, verify that applicants requested an assessment by the specified date.

Appeals

By law, a grant program applicant may appeal the administrator's decision on the applicant's eligibility or the grant amount awarded to him or her. Under prior law, the applicant could appeal to the comptroller, who was authorized to hire an administrator to conduct these appeals. Under the act, these appeals must continue to be filed with the comptroller but must instead be heard by a judge trial referee the chief court administrator assigns. The referee must be paid according to existing law governing their compensation.

The act specifies that the applicant has the burden of showing that he or she is eligible for the grant program and payment for real property repairs or personal property reimbursement. The judge trial referee may consider evidence (e.g., testimony and reports) presented by the applicant, program administrator, or other interested party.

If the applicant shows his or her eligibility, by a preponderance of the evidence, the judge trial referee must award the applicant the grant amount he or she is owed under the law. The judge trial referee must issue a decision within 60 days after the hearing ends, and as under prior law, the decision is final.

Inspectors

Under existing law, certain inspectors must evaluate damage to each eligible applicant's property and give the program administrator a report on it. The act specifies that these inspectors must be licensed home inspectors or insurance adjusters. It allows the comptroller to contract with these inspectors (rather than using inspectors employed by MDC to serve this function and reimbursing MDC from the fund). Alternatively, under existing law and the act, applicants may hire a licensed home inspector or insurance adjuster that meets certain criteria and be reimbursed from the fund for the associated costs.

§§ 25-30 — RESTRICTIONS ON RECOVERY OF COSTS OF CARE FOR DECEASED STATE HUMANE INSTITUTION RESIDENT

Prohibits DAS from recovering from a deceased person's estate charges for care in a state humane institution except under certain circumstances; requires DAS to release any liens filed for recovery of these charges

Beginning July 1, 2024, the act prohibits the Department of Administrative Services (DAS) commissioner from recovering from a deceased person's estate charges for the aid, care, or treatment the person received in a state humane institution unless the (1) recovery is required by federal law or (2) billing rate for care in the institution was set using fraudulent or concealed information. If the rate was set this way, DAS may recover the difference between the amount billed and paid and the amount that would have been billed if not for the fraud or concealment.

Under the act, the DAS commissioner must release any liens filed for recovery of charges the act prohibits. However, the act does not authorize the commissioner to return to any person or estate payments recovered before July 1, 2024, for charges related to care in a state humane institution.

The act also makes related technical and conforming changes.

EFFECTIVE DATE: July 1, 2024

Background — State Humane Institutions

A "state humane institution" is a state mental hospital, community mental health center, treatment facility for children and adolescents, or any other facility or program administered by the departments of Children and Families, Developmental Services, or Mental Health and Addiction Services.

§§ 31-33 — COST OF INCARCERATION

Regarding the state's claim for an individual's incarceration costs, generally (1) terminates claims associated with crimes on an erased criminal record and prohibits the reimbursement of claims paid before July 1, 2024; (2) exempts up to $50,000 from the lien the state may place on an inmate's inheritance; and (3) specifies that any property the probate court deems an asset must be used to pay the state's claim against the estate of certain inmates

The law requires the DOC commissioner to charge an inmate for the cost of his or her incarceration. The act makes the following changes to the mechanisms through which the commissioner recovers incarceration costs:

1. terminates the state's claims for incarceration costs that it incurred during the time the inmate was serving for crimes that were later erased from his or her criminal record and specifies that these inmates are not entitled to reimbursement for state claims paid before July 1, 2024;
2. exempts up to $50,000 from the lien the state may place on an inmate's inheritance, except in cases where the inmate was incarcerated for a capital felony, murder with special circumstances, felony murder, 1st or 2nd degree sexual assault, 1st degree aggravated sexual assault, or 1st degree aggravated sexual assault of a minor; and
3. specifies that any property the probate court deems an asset must be used to pay the state's claim against the estate of a former inmate who dies within 20 years after his or her release.

EFFECTIVE DATE: July 1, 2024

§ 34 — DESPP MISSING PERSONS CLEARINGHOUSE

Removes children with IDD from the missing persons information clearinghouse

By law, DESPP administers a missing persons information clearinghouse that holds information to help law enforcement agencies locate those (1) ages 65 or older or (2) ages 18 or older with a mental impairment. Prior law also

required that the clearinghouse include information on missing people with intellectual and developmental disabilities (IDD). The act modifies this prior requirement by limiting it to those who are at least age 18 with IDD. It also makes a conforming change.
EFFECTIVE DATE: Upon passage

§ 35 — HOSPITAL PILOT FOR ASD SERVICES

Narrows the type of hospital DSS must select for a two-year pilot program on ASD to one in Hartford County with an established program for children and adolescents

Prior law required DSS to establish a two-year pilot program in partnership with a hospital to provide nonresidential outpatient day services for people with autism spectrum disorder (ASD). The act specifically requires DSS to partner with a free-standing, long-term acute care hospital in Hartford County with an established, specialized interdisciplinary program for younger children and adolescents with an ASD diagnosis. By law, and under the act, DSS must select a hospital by September 1, 2024, and the hospital must start providing services under the pilot program by October 1, 2024.
EFFECTIVE DATE: Upon passage

§ 36 — HUMAN SERVICES CAREER PIPELINE

Removes the July 1, 2024, deadline to establish the career pipeline program and requires the CWO to report on its plan for the program by that date; requires the CWO to establish the pipeline program within available appropriations

Prior law required the chief workforce officer (CWO) to establish the Human Services Career Pipeline by July 1, 2024. The act requires the CWO to do this within available appropriations and eliminates the deadline. By law, the career pipeline must (1) ensure enough trained providers are available to serve elderly people and people with IDD, physical disabilities, cognitive impairment, or mental illness and (2) include training and certification in specified areas and incentives to retain workers in the human services sector after the program ends.

By law, the CWO must develop a plan for the career pipeline program that includes (1) a strategy to increase the number of state residents pursuing careers in human services, (2) recommended salary and working conditions needed to retain an adequate number of human services providers to serve state residents, and (3) estimated funding needed to support the program. The act requires the CWO to report on the plan by July 1, 2024, to the Aging, Appropriations, Higher Education and Employment Advancement, Human Services, Labor and Public Employees, and Public Health committees. The report must include the CWO's recommendations for establishing the career pipeline and estimated funding needed to implement it.
EFFECTIVE DATE: Upon passage

§ 37 — LOCAL VOLUNTARY PUBLIC SAFETY REGISTRATION SYSTEM

Eliminates the local voluntary public safety registration system for children with IDD and the requirement that PSAP emergency dispatchers search this system's database when dispatching emergency services to a residential address

The act eliminates the 2023-enacted local voluntary public safety registration system for children with IDD, including ASD, cognitive impairments, and nonverbal learning disorders, as well as related provisions (CGS § 7-294qq). It correspondingly eliminates the requirement that, starting July 15, 2024, each emergency dispatcher employed by a public safety answering point (PSAP), when practicable, search the system when dispatching emergency services to a residential address (CGS § 28-25c).
EFFECTIVE DATE: Upon passage

§§ 38 & 39 — INCOME LIMITS FOR HUSKY A PARENTS AND CARETAKER RELATIVES AND HUSKY C

Lowers the income limit for HUSKY A parents and caretaker relatives from 155% of FPL to 133% of FPL; reduces the scheduled October 1 HUSKY C income limit increase from 105% of FPL to 159% of the TFA monthly cash benefit

The act reduces the income limit for HUSKY A parents and caretaker relatives from 155% of the Federal Poverty Limit (FPL) to 133% of FPL. (In 2024, 155% of FPL for a family of three is $40,021 annually, while 133% of FPL for a family of three is $34,340 annually.)

The act reduces the scheduled October 1 HUSKY C income limit increase as shown in the table below. It does so by repealing a provision that would have increased the HUSKY C income limit from 143% of the Temporary Family Assistance (TFA) monthly cash benefit to 105% of FPL after income disregards, effective October 1, 2024. The act instead increases the income limit to 159% of the TFA monthly cash benefit, also effective October 1, 2024.

Monthly HUSKY C Income Limits (2024)

	Current Limit: 143% of the TFA Monthly Cash Benefit	***Beginning October 1, 2024***	
		Under Prior Law: 105% of FPL, After Disregards	***Under the Act: 159% of the TFA Monthly Cash Benefit***
Single	$699	$1,317	$778
Married Couple	945	1,788	1,051

(The table does not account for differences in income methodology (e.g., disregards) unless they are explicit in statute.)
EFFECTIVE DATE: October 1, 2024, except the provision that reduces the scheduled October 1 HUSKY C income limit increase is effective upon passage.

§§ 40-43 — PASSPORT TO THE PARKS

Increases the Passport to the Parks motor vehicle registration fee; provides funding from the Passport to the Parks account for operating (1) Batterson Park and (2) the Thames River Heritage Park water taxi; requires DEEP to enter into MOAs for related purposes

Fee Increase

The act increases the Passport to the Parks fee that people registering vehicles in the state must pay. Under prior law, the fee was $15 for a triennial registration, $10 for a biennial registration, and $5 for an annual registration. (Annual registrations are only available to those age 65 or over.) The act increases the fee to $24 for a triennial registration, $16 for a biennial registration, and $8 for an annual registration. By law, collected fees must be deposited in the Passport to the Parks account (see *Background — Passport to the Parks Account*).

Account Purposes Expanded

The act expands the purposes for which money in the Passport to the Parks account must be spent. It requires the account to fund the (1) care, maintenance, and operation of Batterson Park and (2) operation of the Thames River Heritage Park taxi for FY 26 through FY 31. For the heritage park taxi service, funding cannot exceed (1) $200,000 in each fiscal year for FY 26 to FY 28; (2) $100,000 for FY 29 and FY 30; and (3) $50,000 in FY 31.

Batterson Park is a public park owned by Hartford and located in Farmington and New Britain. Thames River Heritage Park consists of numerous historic sites along the Thames River. The heritage park's foundation operates water taxis to sites in New London and Groton.

Memoranda of Agreement

The act requires DEEP, Hartford, and Riverfront Recapture to enter into a memorandum of agreement (MOA) about the care, maintenance, and operation of Batterson Park by Riverfront Recapture. (Riverfront Recapture is a nonprofit organization that manages, maintains, and operates four riverfront parks and their connected riverwalks and trails.)

Under the act, the agreement may authorize (1) Riverfront Recapture's agents and employees to enter, maintain, and operate Batterson Park and (2) DEEP to give Riverfront Recapture a grant each fiscal year from the Passport to the Parks account for these purposes.

Additionally, the act requires DEEP to enter into an MOA with the Thames River Heritage Park Foundation to fund the operation and administration of a water taxi boat and tour operations in New London and Groton in FYs 25 to 31 from the Passport to the Parks account.
EFFECTIVE DATE: July 1, 2024, except the MOA requirements take effect upon passage and the Passport to the Parks fee increase takes effect July 1, 2025.

Background — Passport to the Parks Account

Under existing law, the Passport to the Parks account is a separate, nonlapsing General Fund account. It must be used to (1) pay for the care, maintenance, operation, and improvement of state parks and campgrounds; (2) fund soil and water conservation districts and environmental review teams; and (3) pay the Council on Environmental Quality's expenses. In addition, the law requires DEEP to pay $100,000 from the account each fiscal year to each of the following entities:

1. Connecticut River Coastal Conservation District,
2. Eastern Conservation District,
3. North Central Conservation District,
4. Northwest Conservation District,
5. Southwest Conservation District,
6. Connecticut Environmental Review Team, and
7. Connecticut Council on Water and Soil Conservation.

§ 44 — UCONN HEALTH CENTER EMPLOYEE FRINGE BENEFITS

Requires the comptroller to (1) use up to $4.5 million of funds appropriated for State Comptroller-Fringe Benefits to fund a portion of the fringe benefits for UCHC employees and (2) enter into an MOU with UCHC for providing operational support

For FY 24 and each fiscal year after it, the act requires the comptroller to use up to $4.5 million of the resources appropriated for State Comptroller-Fringe Benefits to fund the fringe benefit cost differential between the average rate for fringe benefits of private hospitals in the state and the fringe benefit rate for University of Connecticut Health Center (UCHC) employees. Under the act, the "fringe benefit cost differential" is the difference between the (1) state fringe benefit rate calculated on UCHC payroll and (2) average member fringe benefit rate of all of Connecticut's acute care hospitals as contained in the annual reports submitted to the Office of Health Strategy's Health Systems Planning Unit as required by law.

The act also requires the comptroller to enter into a memorandum of understanding (MOU) with UCHC for providing operating support.

EFFECTIVE DATE: July 1, 2024

§§ 45 & 46 — EDUCATIONAL MATERIALS ON INTIMATE PARTNER VIOLENCE TOWARDS PREGNANT AND POSTPARTUM PEOPLE

Requires DPH to develop educational materials on intimate partner violence toward pregnant and postpartum people (PA 24-151 changes this terminology to "expectant and postpartum mothers and persons"); requires DPH to distribute the educational materials to certain health care providers and facilities to give to patients; transfers, from the Maternal Mortality Review Committee to DPH, responsibility for developing educational materials on certain other topics

The act requires the Department of Public Health (DPH), by January 1, 2025, to develop educational materials on intimate partner violence toward pregnant and postpartum people. In doing so, the department must consult with organizations that advocate on behalf of domestic violence victims. (PA 24-151, §§ 141 & 142, modifies terminology in this act by replacing (1) "pregnant and postpartum persons" with "expectant and postpartum mothers and persons" and (2) "postpartum person" with "postpartum mother or person.")

Under the act, DPH must distribute the educational materials (1) in print to each birthing hospital and birth center in the state and (2) electronically to obstetricians and other health care providers who practice obstetrics. It correspondingly requires these facilities and providers to give the educational materials to their pregnant and postpartum patients.

The act also transfers, from the state's Maternal Mortality Review Committee to DPH, the responsibility for developing educational materials on the following topics required under existing law:

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 the state's birthing hospitals;
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 (1) hospitals for emergency department health care providers and social workers to use and (2) obstetricians and other health care providers who practice obstetrics.

EFFECTIVE DATE: Upon passage

§§ 47 & 48 — XL CENTER

Specifies that the XL Center includes the adjoining garage for CRDA's operating and capital project agreements with contractors; exempts from the sales and use taxes personal property or services needed for the XL Center's operations and sold to the contractor operating the center; increases the maximum amount that the state, CRDA, or both must contribute to the center's renovation

PA 23-204, §§ 393 & 394, allows the Capital Region Development Authority (CRDA) to enter into separate agreements on the XL Center's (1) management and operation and (2) reconstruction and renovation. This act specifies that for these projects, agreements, and related requirements (e.g., for the management and operation agreement, allocating profits and losses between the contractor and CRDA), the XL Center includes the adjoining CRDA-owned garage on Church Street, in addition to the civic center and coliseum complex as existing law provides.

For operations, existing law allows CRDA, by December 31, 2025, to enter into an agreement with the contractor managing and operating the XL Center on July 1, 2023, to continue doing so. The act exempts from the sales and use taxes tangible personal property or services needed for the XL Center's operation and sold to the contractor while it is operating the center. Existing law exempts, among other things, sales of personal property or services to political subdivisions (CGS § 12-412(1)). (The City of Hartford owns the XL Center.)

For the reconstruction and renovation, existing law allows CRDA to enter into one or more agreements by December 31, 2025, for a project to renovate and reconstruct the XL Center. The act increases, from $80 million to $125 million, the maximum amount of funding that CRDA, the state, or both together, must contribute under the agreement toward the cost of any renovation or reconstruction occurring after January 1, 2023. By law, the contractor must contribute at least $20 million.

EFFECTIVE DATE: July 1, 2024

§ 49 — NEEDS ASSESSMENT ON POSTSECONDARY EDUCATION PROGRAMS IN CORRECTIONAL FACILITIES

Contains identical provisions as in § 18; see above for analysis

§ 50 — ROBERTA B. WILLIS SCHOLARSHIP FUNDING

Requires OHE to (1) disburse Roberta B. Willis scholarship program funds for FYs 24 and 25 according to a plan developed by the office and (2) reserve up to $15 million from the program's FY 25 appropriation for disbursement during FY 26

Prior law required OHE to use Roberta B. Willis scholarship program funds appropriated or allocated for FY 24 to make its awards for the 2023-24 and 2024-25 academic years. Additionally, it required all ARPA funds allocated for the program to be used by December 31, 2024.

The act instead requires OHE to disburse the funds appropriated or allocated for the program for FYs 24 and 25 according to a plan developed by the office. It also requires that all ARPA funds allocated for the program be disbursed, rather than used, by December 31, 2024.

Additionally, the act requires OHE to reserve up to $15 million from the amount appropriated for the program for FY 25 for disbursement during FY 26.

EFFECTIVE DATE: Upon passage

§ 51 — CONNECTICUT PORT AUTHORITY REPORT

Requires the CPA, by January 1, 2025, to begin quarterly reporting to the Transportation and Appropriations committees on a staffing plan to handle its needs and its efforts for certain activities and programs

The act requires the Connecticut Port Authority (CPA), starting by January 1, 2025, to submit quarterly reports to the Transportation and Appropriations committees that describe its (1) work to support grants under the Small Harbor Improvement Projects Program, (2) dredging activities and the dredging needs of harbors in the state, and (3) marketing activities for maritime communities. The report must also include a staffing plan to handle CPA's needs.

EFFECTIVE DATE: Upon passage

§ 52 — THE TRANSFORMING CHILDREN'S BEHAVIORAL HEALTH POLICY AND PLANNING COMMITTEE

Expands the Transforming Children's Behavioral Health Policy and Planning Committee's membership by adding two representatives from the federally recognized Indian tribes in the state; extends, by two years, the committee's reporting deadlines

By law, the Transforming Children's Behavioral Health Policy and Planning Committee must evaluate the availability and efficacy of prevention, early intervention, and behavioral health treatment services and options for children from birth to age 18. The act expands the committee's membership by adding two members jointly appointed by the Appropriations Committee chairpersons, each of whom must be a representative of one of the two federally recognized Indian tribes in the state (i.e., the Mashantucket Pequot and Mohegan tribes).

The act also extends, by two years, certain reporting deadlines for the committee. Under the act the committee must report to the Appropriations, Children's, Human Services, and Public Health committees and the Office of Policy and Management (OPM) (1) by December 1, 2025 (rather than by December 1, 2023), on specific subjects (e.g., recommendations on needed statutory or budgetary changes to the behavioral health system, gaps in services, and disproportionate access and outcomes for certain children) and (2) by December 1, 2026 (rather than by December 1, 2024), the strategic plan it must develop, the overall implementation of that plan, and any recommendations for implementing the plan's identified goals.

EFFECTIVE DATE: Upon passage

§ 53 — 2024-25 ACADEMIC YEAR CHANGES TO THE ROBERTA B. WILLIS SCHOLARSHIP PROGRAM

Prohibits OHE from requiring that Roberta B. Willis scholarship program need-based grants be reduced based on a student's initial qualifications as determined from his or her FAFSA; pauses the requirement that the program's need and merit-based grants be awarded in a higher amount than its need-based grants

This act prohibits OHE, for the academic year beginning July 1, 2024, from requiring higher education institutions participating in the Roberta B. Willis scholarship program to reduce the amount of a need-based grant awarded under the program to an eligible student based on the initial qualifications determined from the student's Free Application for Federal Student Aid (FAFSA), even if the U.S. Department of Education subsequently revises the qualifications. The act relatedly requires OHE to deem participating higher education institutions compliant with the state law governing the program if an eligible student initially qualified for the need-based grant he or she received.

Additionally, for the academic year beginning July 1, 2024, the act pauses the requirement that the scholarship program's need and merit-based grants be awarded in a higher amount than its need-based grants.

EFFECTIVE DATE: July 1, 2024

§§ 54 & 55 — CONNECTICUT HYDROGEN AND ELECTRIC AUTOMOBILE PURCHASE REBATE (CHEAPR) PROGRAM

Modifies the CHEAPR rebate amount for residents of environmental justice communities; requires certain proceeds from RGGI to be used for the CHEAPR program (rather than the CHEAPR account) and other programs that support DEEP's engagement with environmental justice communities

Rebate Amount

By law, the CHEAPR program gives rebates and vouchers to residents, municipalities, businesses, nonprofits, and tribal entities that buy or lease new or used battery electric vehicles, plug-in hybrid vehicles, and fuel cell electric vehicles. CHEAPR rebate or voucher amounts are set administratively by DEEP, subject to certain statutory parameters, including a requirement to provide a larger rebate to residents of environmental justice communities. Prior law required the rebate or voucher amount for these residents to be up to 100% more than a standard rebate (see *Background — Environmental Justice Communities*). The act instead requires the amount to be at least 200% more than the standard amount.

Funding From Regional Greenhouse Gas Initiative (RGGI)

Prior law diverted a portion of RGGI (see *Background — RGGI)* proceeds to the CHEAPR account, which is used to fund CHEAPR and certain activities related to the zero-emission school bus program. The act instead requires that this funding be diverted to DEEP to fund the CHEAPR program and other programs established to support the department's engagement with environmental justice communities.
EFFECTIVE DATE: Upon passage

Background — Environmental Justice Communities

By law, an "environmental justice community" is (a) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level or (b) a distressed municipality (CGS § 22a-20a).

Background — RGGI

RGGI is a regional interstate "cap and trade" program to reduce greenhouse gas 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 sale proceeds fund energy efficiency and renewal programs.

§ 56 — DISTRESSED MUNICIPALITY DESIGNATION

Generally extends, from five years to 10, the time period for which municipalities with a population exceeding 100,000 are deemed to be distressed municipalities after being removed from DECD's annual list

Distressed municipalities are those that DECD determines have the highest levels of fiscal and economic distress. DECD annually designates 25 municipalities as distressed using certain statistical indicators that generally measure municipal fiscal capacity (e.g., tax base, residents' income, and, indirectly, the residents' need for public services). The designation is used to direct assistance to these municipalities (and businesses and people in them), as an eligibility criteria for additional designations, and for other purposes.

Under existing law, a municipality removed from the list of distressed municipalities in a given year does not immediately lose its designation but is instead deemed to be a distressed municipality for an additional five years. The act extends this period to 10 years for municipalities whose populations exceed 100,000 when they were removed from the list, based on the most recent U.S. census. By law, a municipality may reject the continued designation by a vote of its legislative body within three months after the DECD commissioner notifies it of its removal from the list.
EFFECTIVE DATE: October 1, 2024

§§ 57-59 — CIGARETTE DEALER LICENSES AND RENEWALS

Requires cigarette dealer license applicants to post certain notices at their businesses; provides a process to object to a dealer's license application; allows municipalities to adopt ordinances to require these dealers to notify the chief law enforcement official of license renewals and allows the official to comment; requires DRS to consider these comments and report certain statistics on these notifications to the legislature

The act (1) requires applicants for a Department of Revenue Services (DRS) cigarette dealer's license to notify the town where their businesses will be located and post certain notices at their businesses about their license applications, and (2) provides a process for 10 or more people to object to an initial or renewal applicant's suitability or the proposed place of business. Similar provisions apply under existing law for liquor permits.

The act also allows municipalities to adopt ordinances requiring anyone applying to renew a cigarette dealer's license to simultaneously give written notice of the application to the chief law enforcement official or his or her designee in the municipality where the business is located. (By law, municipalities may already do this for those applying to renew an alcoholic liquor permit that allows on-premises serving or consumption.) The act (1) allows the official or designee to send written comments on the application to the DRS commissioner within 15 days after receiving the notice and (2) requires the DRS commissioner to consider the comments before renewing the license.

Lastly, the act requires the DRS commissioner to report, by January 1, 2026, to the Finance, Revenue and Bonding; Planning and Development; and Public Safety and Security committees on:

1. the number and copies of written comments submitted;
2. a summary of actions DRS took in granting or denying any cigarette dealer's license renewal applications for which written comments were submitted; and
3. the commissioner's conclusions and recommendations, after consulting with chief law enforcement officials or their designees, about this notice requirement.

EFFECTIVE DATE: October 1, 2024

Notice of Application for Cigarette Dealer's License

Under the act, DRS is prohibited from issuing an initial license to an applicant until the applicant complies with the following notice provision.

The act requires a cigarette dealer's license applicant, after filing the application with DRS, to give notice of the application to the clerk of the municipality where the applicant's business is to be located. The notice must contain the applicant's name and residential address and the place of business for which the license is to be issued. Upon receiving the notice, the clerk must post and maintain the notice on the municipality's website for at least two weeks.

By the day following the date an applicant provides the notice, the applicant must affix a copy of the notice, in legible condition, on the outer door of the proposed business location. When a license application is filed for an unconstructed building, the applicant must build and maintain a legible sign that is at least six feet by four feet. The sign must include the license applied for and the proposed licensee's name and be clearly visible from the street.

The applicant must make a return to DRS, under oath, of compliance with the notice requirements, in a manner DRS sets. The department may require additional proof of compliance. Upon receiving sufficient evidence of compliance, DRS may hold a hearing on the proposed location's suitability.

Objections to a Proposed or Renewed Cigarette Dealer's License

The act allows any 10 individuals who are at least age 18 and reside in the town in which the cigarette dealer's business is proposed or currently located, to file a "remonstrance" (i.e., objection) with DRS. For initial licenses, they must file a remonstrance within three weeks after the last day the license applicant's notice was posted on the municipality's website. For renewals, they must file it at least 21 days before the license renewal date.

The remonstrance must include any objection to the suitability of the applicant or proposed business place, provided the issue is not controlled by local zoning. If a remonstrance is filed and the individuals apply for a hearing in writing, DRS must hold a hearing and give at least five days' notice.

The remonstrants (i.e., the people making the objection) must designate one or more agents for service to receive all DRS notices. At any time before DRS issues a decision, the remonstrants or their agents may withdraw a remonstrance and DRS may cancel the hearing or withdraw the case. The DRS decision on the application is final for the remonstrance.

The act allows the remonstrants who are aggrieved by the granting of a license to appeal to court under the Uniform Administrative Procedure Act.

§ 60 — UNION AVENUE DETENTION CENTER

Starting in 2026, requires that the Union Avenue detention center in New Haven be under the jurisdiction of an OPM-determined state agency rather than that of the local police

Starting on January 1, 2026, the act places New Haven's Union Avenue detention center under the jurisdiction of a state agency, as the OPM secretary determines. Under current practice, the facility is under local police jurisdiction.

EFFECTIVE DATE: Upon passage

§§ 61-63 — MEDICAID COVERAGE FOR SCHOOL-BASED HEALTH SERVICES

Requires DSS to amend the Medicaid state plan to expand coverage for health care services provided to eligible students (1) by or on behalf of a LEA or (2) in school nurses' offices; establishes an interagency coalition to coordinate and make recommendations to maximize federal funding for Medicaid-eligible health care services in public schools

The act makes several changes to expand access to Medicaid-covered health care for Connecticut schoolchildren. Specifically, it:

1. requires the Department of Social Services (DSS) commissioner, in consultation with the education commissioner and within available appropriations, to seek federal approval to amend the Medicaid state plan to expand Medicaid coverage for health services provided by or on behalf of a local educational agency (LEA; i.e., a public board of education or other public school administrative authority) to any student enrolled in Medicaid;
2. requires the DSS commissioner, within available appropriations and subject to federal approval, to amend the Medicaid state plan to cover health care services in school nurses' offices for eligible students enrolled in Medicaid; and
3. establishes an interagency coalition to coordinate and make recommendations on maximizing federal funding for Medicaid-eligible health services in Connecticut public schools.

EFFECTIVE DATE: Upon passage, except that the provision on nurses' offices is effective July 1, 2024.

Medicaid Coverage for School-Based Health Services

The act requires the DSS commissioner, in consultation with the education commissioner, to seek federal approval to amend the Medicaid state plan to give Medicaid coverage for health services provided by or on behalf of a LEA to any student enrolled in Medicaid, regardless of whether a student qualifies for services under federal laws for students with disabilities. The commissioner must submit the amendment by October 1, 2025.

The act authorizes a LEA, subject to federal approval and within available appropriations, to submit Medicaid claims for each Medicaid-eligible student who receives Medicaid-covered school-based services unless the student's parent or legal guardian opts out of authorizing the LEA to do so.

Under the act, the DSS commissioner, in consultation with the education commissioner, must develop and distribute to each local or regional school board written guidance on health care services eligible for Medicaid reimbursement.

The act requires the DSS commissioner, annually by January 1, and in consultation with the education commissioner, to report to the Appropriations, Children's, Education, and Human Services committees on Medicaid reimbursement for school-based health services and recommendations for expanding Medicaid services provided in schools.

It also requires the commissioner, within available appropriations and subject to federal approval, to amend the Medicaid state plan to cover health care services in school nurses' offices for eligible students enrolled in Medicaid. This amendment may be part of that described above for LEAs.

Interagency Coalition

The act establishes an interagency coalition consisting of the education and DSS commissioners and the OPM secretary, or their designees, to coordinate and make recommendations on maximizing federal Medicaid funding for health services in public schools. The coalition must (1) hold its first meeting within 60 days after the act passes (i.e., by July 29, 2024) and (2) meet at least quarterly.

The act requires the coalition to report annually by January 1 to the Appropriations, Children's, Education, and Human Services committees on the following:

1. the number of students receiving Medicaid-covered health services in the previous school year and any change in their proportion of the school's total enrollment;
2. steps taken to expand Medicaid coverage for student health services, including any Medicaid waivers or state plan amendments; and
3. a survey of what other states are doing to expand Medicaid-covered health services for students.

§ 64 — PHASING OUT MED-CONNECT INCOME AND ASSET LIMITS

Increases income and asset eligibility limits in the Med-Connect program starting in April 2025 and annually starting in July 2026, and eliminates them in July 2029

The act phases out income and asset eligibility limits in Med-Connect, DSS's medical assistance program for working people with disabilities.

The act increases prior law's income limit, from $75,000 to $85,000, and doubles the asset limit for individuals and married couples to $20,000 and $30,000, respectively.

Beginning July 1, 2026, the act requires DSS to phase out income and asset limits for Med-Connect by annually increasing the (1) income limit by $10,000 and (2) asset limit by $10,000 for individuals and $15,000 for married couples. Under the act, income and asset limits must be eliminated from the program starting on July 1, 2029.

The act also conforms to current practice by requiring DSS to post required notices of its intent to adopt regulations on the eRegulations system rather than in the Connecticut Law Journal.

EFFECTIVE DATE: April 1, 2025

§§ 65 & 68 — BUREAU OF SERVICES FOR PERSONS WHO ARE DEAF, DEAFBLIND OR HARD OF HEARING

Establishes the bureau within ADS and requires the department to hire a bureau director; requires state agencies to appoint an employee to serve as a point of contact for concerns related to people who are deaf, deafblind, or hard of hearing

The act establishes a Bureau of Services for Persons who are Deaf, Deafblind or Hard of Hearing within the Department of Aging and Disability Services (ADS). It also requires ADS, in consultation with the Advisory Board for Persons who are Deaf, Deafblind or Hard of Hearing (see below) to hire a bureau director by October 1, 2024, who reports to the ADS commissioner. The commissioner must also hire the bureau director's administrative assistant. The act requires the bureau director to (1) have professional experience serving deaf, deafblind, or hard of hearing people; (2) be able to communicate in American Sign Language; and (3) be familiar with effective interpretation methods to help deafblind people.

EFFECTIVE DATE: July 1, 2024, except the provision on state agency points of contact is effective October 1, 2024.

Bureau Director Duties

Under the act, the bureau director's duties include the following:

1. assisting in overseeing ADS employees who provide counseling, interpreting, and other help to people who are deaf, deafblind, or hard of hearing, excluding federally-funded vocational rehabilitation employees;
2. creating a separate webpage for the bureau on ADS's website that includes (a) the advisory board's meeting schedule, agenda, minutes, and other board resources; (b) an instructional video with audio and captions on the home page on how to navigate the webpage, resources, and tools; and (c) other materials under the act;
3. annually updating a resource guide for people who are deaf, deafblind, or hard of hearing, and publishing it on the ADS website and the bureau's webpage;
4. helping register interpreters, including by maintaining a list of interpreters categorized by the settings where they are qualified to interpret and publishing it on the ADS website and the bureau's webpage;
5. coordinating ADS's efforts to provide information and referral services on available resources to people who are deaf, deafblind, or hard of hearing;
6. coordinating responses to consumer concerns, requests for help, and referrals to resources, including from state agencies;
7. coordinating education and training initiatives (e.g., working with local and state public safety and public health officials and first responders on best practices to serve and communicate with deaf, deafblind, or hard of hearing people or working with interpreters to maintain or enhance their skills in various settings);
8. collaborating with interpreting services providers and training organizations to increase opportunities for mentorships, internships, apprenticeships, and specialized training in interpreting services;
9. partnering with civic and community organizations serving deaf, deafblind, or hard of hearing people on workshops and information sessions on new laws, regulations, or developments related to services, programs, or health care needs;
10. raising public awareness about programs and services available to deaf, deafblind, or hard of hearing people;
11. working with the governor and Connecticut television stations on ways to make television broadcasts more

accessible to people who are deaf, deafblind, or hard of hearing; and

12. consulting with the advisory board to identify needs and address needed policy changes.

The act also requires the bureau director to help the Public Utilities Regulatory Authority (PURA) implement telecommunication relay service (TRS) programs for people who are deaf, deafblind, or hard of hearing. The act requires PURA to consult with ADS and the bureau director when awarding a contract for this service. TRS enables telephone communication between (1) a hearing or speech impaired person using a text telephone or a telecommunications device for the deaf and (2) a person using a telephone. In practice, PURA opens a docket every five years to review proposals and choose a TRS provider.

State Agency Point of Contact

The act requires each state agency to (1) appoint an employee to serve as point of contact for concerns related to people who are deaf, deafblind, or hard of hearing; (2) identify the employee's name and contact information in a prominent place on the agency's website; and (3) require this employee to collaborate with the bureau director to resolve these concerns. This requirement applies to the executive, legislative, and judicial branches, including their offices, departments, boards, councils, commissions, institutions, constituent units of the state system of higher education, or technical education and career schools.

The act also requires the bureau director to help each state agency appoint an employee to serve as this point of contact and coordinate with them to resolve concerns.

§§ 66, 67, 69 & 71 — ADVISORY BOARD FOR PERSONS WHO ARE DEAF, DEAFBLIND OR HARD OF HEARING

Renames the board, changes its membership, and expands its duties and reporting requirements

The act renames the advisory board from "the Advisory Board for Persons who are Deaf, Hard of Hearing or Deafblind" to "the Advisory Board for Persons who are Deaf, Deafblind or Hard of Hearing" and makes conforming changes. Among other related changes, the act also modifies the board's membership and expands its duties and reporting requirements.
EFFECTIVE DATE: October 1, 2024

Membership and Administration

The act replaces two members on the 15-member board. It does so by (1) removing the ADS commissioner or her designee and the Connecticut Chapter of We the Deaf People director and (2) adding the president of Hear Here Hartford (the Connecticut chapter of the Hearing Loss Association of America) or her designee and a Connecticut hospital organization representative appointed by the House speaker. The act makes conforming changes to allow appointing authorities to fill vacancies.

The act requires the bureau director to serve as the advisory board's administrator beginning October 1, 2024.

Annual Leadership Roundtable Meeting

The act requires the advisory board to hold an annual leadership roundtable meeting with various executive branch agencies to discuss best practices and gaps in services for people who are deaf, deafblind, or hard of hearing, and make recommendations to rectify these gaps. The meeting must include the following participants or their designees:

1. commissioners of aging and disability services, public health, social services, mental health and addiction services, education, developmental services, children and families, early childhood, economic and community development, emergency services and public protection, correction, housing, and labor;
2. the OHE executive director; and
3. the Board of Regents for Higher Education (BOR).

The act eliminates a similar requirement that the advisory board meet periodically with some of the same agencies to discuss similar topics.

Reporting Requirement

Existing law requires the advisory board to make recommendations for (1) technical assistance and resources for state agencies to serve people who are deaf, deafblind, or hard of hearing; (2) public policy and legislative changes needed to address gaps in services; and (3) interpreter qualifications and registration.

Prior law required the advisory board to submit these recommendations to the governor and the Human Services Committee but did not set a deadline or frequency for this requirement. The act requires the board to submit a report on these recommendations annually, starting by January 1, 2025, to the Appropriations, Aging, Commerce, Education, Higher Education and Employment Advancement, Housing, Human Services, Judiciary, Labor and Public Employees, Public Health, and Public Safety and Security committees. It also requires the report to include the bureau's activities in the previous calendar year.

§§ 70 & 72 — ADS SERVICES FOR PEOPLE WHO ARE DEAFBLIND

Expands ADS responsibilities to include providing services for people who are deafblind, generally conforming to practice

By law, ADS is responsible for providing services to, among others, people who are deaf or hard of hearing. The act additionally makes ADS responsible for providing services to people who are deafblind.

Under the act and prior law, ADS must annually report on its services to the governor and the Appropriations and Human Services committees.

EFFECTIVE DATE: October 1, 2024

§ 73 — METHADONE MAINTENANCE RATE INCREASE

Requires DSS to increase Medicaid rates, within available appropriations, for chemical maintenance providers who currently receive the lowest weekly reimbursement rate

Existing law sets the minimum weekly Medicaid reimbursement rate at $88.52 for chemical maintenance providers who give methadone maintenance treatment to Medicaid beneficiaries. For FY 25, the act requires DSS to amend the Medicaid state plan to increase rates, within available appropriations, to those providers who receive the lowest weekly reimbursement rate for this treatment. The act prohibits its rate increase for the lowest paid providers from causing a rate decrease for higher paid providers.

By law, methadone maintenance is a chemical maintenance program under which an addiction to one drug (e.g., heroin) is treated with methadone in a weekly program that includes methadone administration, drug testing, and counseling. Chemical maintenance providers are certified and licensed by state and federal agencies and must meet state and federal requirements.

EFFECTIVE DATE: Upon passage

§ 74 — MEDICAID AMBULANCE RATES

Requires DSS to increase FY 25 ambulance rates within available appropriations, including increasing the mileage rate for Medicaid-covered ambulance transportation by $1.18 and providing mileage reimbursement for in-town trips

For FY 25, the act requires DSS to increase the following rates, within available appropriations:

1. the Medicaid ambulance mileage rate for all emergency and nonemergency transports by $1.18 and
2. all other emergency and nonemergency ambulance service rates.

The act also requires the DSS commissioner to provide mileage reimbursement for in-town trips for FY 25, within available appropriations. The act authorizes her to seek federal approval for a Medicaid state plan amendment if needed to implement these rates.

EFFECTIVE DATE: Upon passage

§ 75 — PACT PROGRAM

Expands the PACT Program's eligibility to include transition program students; increases the program's minimum award amounts; names the awards the "Mary Ann Handley Award"; requires BOR's upcoming semesterly reports on certain program metrics by November 1, 2024, and March 1, 2025

The act makes various changes to the Pledge to Advance CT (PACT) program, which gives eligible high school graduates the opportunity to attend a Connecticut community college debt-free by awarding them grants for the difference between the cost of tuition and fees and their scholarships, grants, and federal, state, or institutional aid.

Program Expansion and Award Increase

The act eliminates the requirement that a student must graduate from a Connecticut high school to participate in the program, therefore extending eligibility to out-of-state high school graduates. It also expands PACT eligibility to transition program students who (1) are state residents, (2) have not graduated from high school, (3) are enrolled in a transition program under their individualized education program, and (4) enroll in one or more courses at a regional community-technical college.

The act also increases the program's minimum awards from $250 to $500 for full-time students, and from $150 to $300 for part-time students.

Mary Ann Handley Award

The act requires all grants made to eligible students under the PACT program to be designated as the "Mary Ann Handley Award."

Reporting Requirements

Existing law requires BOR to report certain information about the PACT program to the Higher Education and Employment Advancement and Appropriations committees each semester. The act sets specific deadlines of November 1, 2024, and March 1, 2025, for two of the upcoming reports. Existing law requires the reports to include information on, among other things, the (1) number of qualifying students enrolled at the regional community-technical colleges, (2) number of qualifying students receiving minimum awards, and (3) completion rates of qualifying students by degree or certificate program.

EFFECTIVE DATE: July 1, 2024

§ 76 — DEADLINE EXTENSION TO SUBMIT RECOMMENDATIONS ON CREATING A NEW SOLID WASTE-RELATED ENTITY

Extends, until July 1, 2025, the deadline for OPM to give the Environment and Energy and Technology committees recommendations on the feasibility and advisability of creating a new solid waste-related quasi-public state agency, waste authority, or other entity

The act extends by one year, from July 1, 2024, to July 1, 2025, the deadline for OPM to submit recommendations to the Environment and Energy and Technology committees on the feasibility and advisability of creating a new quasi-public state agency, waste authority, or other entity for developing new solid waste infrastructure, operating and maintaining new or existing solid waste infrastructure, and other purposes.

EFFECTIVE DATE: Upon passage

§ 77 — SMALL TOWN ECONOMIC ASSISTANCE PROGRAM

Increases, from $500,000 to $1 million, the maximum STEAP grant amount a municipality can receive per fiscal year

The act increases, from $500,000 to $1 million, the maximum total Small Town Economic Assistance Program (STEAP) grant amount a municipality may receive in a fiscal year. By law, STEAP grants provide funding to municipalities that are ineligible for Urban Action grants and must be used for economic development, community conservation, and quality-of-life capital projects.

EFFECTIVE DATE: July 1, 2024

§ 78 — VACATION AND PERSONAL DAYS DURING WORKING TEST PERIODS

Gives full-time permanent state employees paid vacation days and personal days during their initial working test periods

Existing law gives full-time permanent state employees 21 paid vacation days annually once they have worked at least one full calendar year (which, in practice, accrue incrementally throughout the year) and three paid personal days each calendar year (which are granted all at once).

The act gives this same paid time off to these employees during their initial working test period (i.e., a trial working period used to determine whether an employee deserves a permanent appointment). For those that begin working on or after July 1, it requires the number of personal days to be prorated during their first calendar year of employment. The proration must be based on the number of full calendar months remaining in the year after the month the employee began working, divided by six.

The act requires the administrative services commissioner, by June 30, 2025, to adopt or amend regulations to implement these provisions on vacation and personal days during employees' initial working test periods. Before adopting the regulations and by January 1, 2025, she must also adopt policies and procedures to implement them, which have the force and effect of law. The act requires the commissioner to post the policies and procedures on the department's website and submit them to the secretary of the state to post on the eRegulations System at least 15 days before their effective date. The policies and procedures stop being effective once they are adopted as final regulations.

EFFECTIVE DATE: January 1, 2025

§ 79 — STATE AGENCY DUAL EMPLOYMENT

Eliminates a provision that prohibits certain state agency deputies from having other employment

Existing law requires each department head (e.g., state agency commissioner) to designate one deputy to exercise the department's head's powers and duties during his or her absence or disqualification. The act removes a (1) requirement for these deputies to devote their full time to their department or agency duties and (2) prohibition on them having any other employment. It also makes technical changes.

EFFECTIVE DATE: July 1, 2024

§§ 80 & 81 — JUDICIAL RETIREMENT SYSTEM AMORTIZATION

Changes the method for determining the state's contribution for JRS unfunded liability from a 40-year amortization to a 15-year layered amortization, which effectively extends the contributions for an additional seven years; requires the state retirement commission to revise the JRS actuarial valuation using the new amortization method

Starting July 1, 2024, the act requires the state's contribution for the Judicial Retirement System's (JRS) unfunded past service liability to be based on a 15-year layered amortization of the unfunded liability. The 15-year period for the amortization must begin with the valuation for FY 23. Under prior law, the unfunded liability payment was based on a 40-year amortization, which began on July 1, 1991. In effect, the act extends the unfunded liability's repayment from 2032 to 2039. In general, a layered amortization creates a new amortization schedule for each year's actuarial experience and helps reduce volatility in the required amortization payments.

The law generally prohibits the legislature from liberalizing JRS benefits unless the retirement commission certifies the unfunded liability created by the change and the change's cost. Prior law required the commission to do this using full normal cost plus a 30-year amortization, and the act instead requires it to use a 15-year layered amortization. It correspondingly requires that any unfunded liability created by the change be amortized over a 15-year, rather than 30-year, period.

The act also requires the State Employees Retirement Commission, which oversees the JRS, to prepare and submit (presumably, to the legislature) a revised actuarial valuation for the JRS as of June 30, 2023, that incorporates the act's change to the 15-year layered amortization. The commission must do this by June 30, 2024.

EFFECTIVE DATE: Upon passage

§§ 82-85 — CONNECTICUT MUNICIPAL REDEVELOPMENT AUTHORITY

Requires MRDA to provide members, by request, assistance on developing project criteria and regulations to increase housing production; authorizes it to establish criteria to evaluate its projects' potential impacts; eliminates a requirement that members appoint a local development board

The act requires the Connecticut Municipal Redevelopment Authority (MRDA) to provide, by request, member municipalities (and joint member entities) with technical support on developing project criteria and local regulations to substantially increase housing production. (By law, municipalities that opt to collaborate with MRDA must establish an area (a "housing growth zone") in which zoning regulations facilitate substantial new housing development.)

The act also authorizes MRDA to set criteria to evaluate the potential impact of its projects. If it does so, the criteria must include the impact the project may have on the tax base of the municipality or municipalities involved. The act additionally (1) eliminates the requirement that MRDA's member municipalities appoint a local development board to serve as liaison to the authority and (2) separately repeals certain requirements related to economic development master plans (see § 243 — MRDA REQUIREMENT REPEALED).
EFFECTIVE DATE: October 1, 2024

§ 86 — INVESTMENT ADVISORY COUNCIL "GIFTS"

Allows the IAC's public members to receive travel expenses, lodging, food, beverages, and other benefits customarily provided in the course of employment without violating the state code of ethics

The act exempts certain items received by the Investment Advisory Council's (IAC) public members from being considered "gifts" under the state code of ethics for public officials. More specifically, it exempts travel expenses, lodging, food, beverage, and other benefits customarily provided in the course of employment when given to these members. The act's exemption generally allows the members to receive these items without violating the code.

By law, the IAC generally advises the state treasurer on investing the state's pension and other trust funds, including reviewing the treasurer's investment policy statement and trust fund investment. The 12-member council has five public members, all of whom must have investment experience. The governor, Senate president pro tempore and minority leader, and House speaker and minority leader each appoint one of the public members.
EFFECTIVE DATE: July 1, 2024

§ 87 — REPEAL OF STUDENT LOAN REIMBURSEMENT AND RELATED PROGRAMS

Repeals several student loan reimbursement, scholarship, and related programs

The act repeals the following programs that prior law required OHE to administer:

1. the "Engineering Connecticut" student loan reimbursement program, which gave grants to people with undergraduate or graduate degrees in engineering and who were newly employed in the state as engineers (CGS § 10a-19e);
2. the "You Belong" student loan reimbursement program, which gave grants to people who (a) had been awarded a doctoral degree from any higher education institution and (b) were newly employed in the state in an economically valuable field as determined by DECD or by a company or higher education institution that had registered with or been qualified by DECD (CGS § 10a-19f);
3. the Connecticut green technology, life science, and health information technology student loan reimbursement program, which provided student loan reimbursements to eligible residents who held degrees in and worked in these fields (CGS § 10a-19i); and
4. a program to give grants in FYs 23-25 to public and private colleges and universities for the delivery of student mental health services on campus (CGS § 10a-164b).

The act also repeals the information technology student loan reimbursement pilot program administered by BOR. (This program was restricted to a cohort that received grants in FY 02 (CGS § 10a-169b).)

Additionally, the act repeals (1) a state scholarship program that forgave loans provided by the state to residents for nursing education if the resident remained in the nursing field in the state for five years (CGS § 10a-162a); and (2) a scholarship fund for Vietnam-era veterans who had been accepted for full-time admission in a degree granting program at any independent, nontheological college in the state as long as the veteran was a state resident at the time of acceptance (CGS § 10a-167).

Lastly, the act repeals the Department of Public Health's (DPH) primary care direct services program. Prior law required the program to give, within available resources, 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 a loan repayment program, and (3) funding capital expenditures (CGS § 19a-7d).
EFFECTIVE DATE: July 1, 2024

§ 88 — REPEAL OF MULTILINGUAL LEARNER EDUCATOR INCENTIVE PROGRAM

Repeals the multilingual learner educator incentive program

The act repeals the OHE-administered multilingual learner educator incentive program. Prior law required the program to give a grant, within available appropriations, to any student who was (1) in the last two years of a teacher preparation program leading to professional certification at any four-year higher education institution in the state, and (2) pursuing an endorsement in bilingual education or teaching English to speakers of other languages. Under the program, students received a grant of up to $5,000 a year for up to two years, and after graduating were eligible for up to $2,500 of student loan reimbursement for up to four years if they taught at an in-state public school.
EFFECTIVE DATE: July 1, 2024

§ 89 — CONNECTICUT PORT AUTHORITY QUARTERLY STATUS REPORT REVIEW

Eliminates the requirement that DAS and OPM review and comment on the Port Authority's quarterly report before it is submitted to the Transportation Committee

By law, the Connecticut Port Authority must submit a quarterly report to the Transportation Committee on the status of current and pending contracts, small harbor projects, and the State Pier project in New London. The act eliminates a requirement that the Department of Administrative Services (DAS) and OPM jointly review and comment on the report before it is submitted to the committee.
EFFECTIVE DATE: Upon passage

§§ 90, 91 & 131-232 — HEALTH STRATEGY AND HIGHER EDUCATION COMMISSIONERS

Renames the title of OHS's and OHE's executive heads as "commissioners" rather than "executive directors"

The act renames the title of the Office of Health Strategy's (OHS) head as a "commissioner" rather than an "executive director." It makes the same change to the title of OHE's head. The act also makes numerous conforming changes.

Existing law already classifies these two positions as statutory department heads, subject to the same nomination and appointment process, terms, and general qualifications, duties, and powers as other agency commissioners (see § 177 and CGS §§ 4-6 to 4-8).
EFFECTIVE DATE: Upon passage

§ 92 — TOBACCO AND HEALTH TRUST FUND TRANSFER

Suspends the annual $12 million disbursement from the Tobacco Settlement Fund to the Tobacco and Health Trust Fund for FY 25 and redirects it to the General Fund

For FY 25, the act suspends the annual $12 million disbursement from the Tobacco Settlement Fund to the Tobacco and Health Trust Fund and instead redirects this amount to the General Fund.
EFFECTIVE DATE: July 1, 2024

§§ 93 & 94 — DSS PHARMACY APPROVALS

Increases, from 2 to 24 hours, how much time DSS has to grant or deny pharmacy requests for prior authorization or dispensing name brand drug products before they are deemed approved

The act increases the length of time, from two hours to 24 hours, during which DSS may approve or deny certain pharmacy requests before they are deemed approved under DSS's medical assistance programs (e.g., Medicaid). This applies to a (1) physician's or pharmacist's prior authorization request for prescription drugs and (2) pharmacist's request to dispense a name-brand drug when a chemically equivalent generic drug product substitution is available.
EFFECTIVE DATE: July 1, 2024

§§ 95-97 — BIOMEDICAL RESEARCH TRUST FUND

Eliminates the Biomedical Research Trust Fund and requires the state comptroller to transfer its remaining balance to the General Fund

The act eliminates the Biomedical Research Trust Fund and requires the state comptroller to transfer its remaining balance to the General Fund by June 30, 2025.

Under prior law, the DPH commissioner could make grants from this fund to Connecticut-based (1) nonprofit colleges and universities and (2) hospitals doing biomedical research on heart disease, cancer, and other tobacco-related diseases; Alzheimer's disease; strokes; and diabetes. The fund was a separate, nonlapsing fund that could accept transfers from the Tobacco Settlement Fund and receive funds from public or private sources.

EFFECTIVE DATE: July 1, 2025, except that the funds transfer is effective upon passage.

§ 98 — EMS REGIONAL COORDINATOR POSITIONS TO CLASSIFIED SERVICE

Requires DAS to transition EMS regional coordinators and assistant regional coordinators to classified service

The act requires the DAS commissioner to transition the regional emergency medical services (EMS) coordinator and assistant regional EMS coordinator positions and incumbents into the classified service. To the extent these employees are performing jobs that would normally be within a current executive branch bargaining unit, the act requires (1) the jobs to be added to the bargaining unit's descriptions and (2) employees in the jobs to be deemed part of the bargaining unit. The DAS commissioner must transition these employees beginning June 30, 2024, and do so in consultation with the DPH commissioner.

EFFECTIVE DATE: Upon passage

§ 99 — INFORMATION REQUESTS TO STATE AGENCIES

Requires requests for certain information to be directed to the state agency where the information originated

The act requires anyone requesting data, records, or files that were shared between state agencies under a statute, regulation, data sharing agreement, memorandum of agreement or understanding, or court order, including requests under the Freedom of Information Act (FOIA), to direct the request to the state agency where the information originated. For this provision, a "state agency" is any office; department; board; council; commission; institution; constituent unit of the state system of higher education; technical education and career school; or other agency in the state's executive, legislative, or judicial branch.

Under the act and regardless of FOIA, when a state agency receives one of these requests but is not the originating agency, it must (1) promptly refer the request to the state agency where the information originated and (2) notify the requestor that the request has been referred to the originating agency. The notification must be in writing and include the originating agency's name, address, and phone number, and the date the referral was made.

Lastly, the act specifies that this provision does not (1) require disclosure of any data, records, or files if the disclosure would not have been required had the request been made directly to the originating agency or (2) apply to certain requests for data in the criminal justice information system available to the public under FOIA (by law, this data must be obtained from the originating agency).

EFFECTIVE DATE: Upon passage

§ 100 — AGREEMENTS OR SOLICITATIONS TO LOCATE UNCLAIMED PROPERTY

Expands requirements and processes for agreements and solicitations to locate unclaimed property

The act establishes additional disclosure requirements for agreements to locate unclaimed property. Under existing practice, people, businesses, and other entities assist property owners, for payment, in finding unclaimed property and reclaiming it on the owner's behalf.

Under prior law, these agreements were only valid if they were (1) in writing, (2) signed by the owner, (3) disclosed the nature and value of the property, and (4) clearly stipulated the owner's share after subtracting the fee or compensation.

The act establishes additional requirements for these agreements entered into on or after January 1, 2025. In addition to the existing requirements, these agreements must also conspicuously and clearly disclose that the owner may file a claim

directly with the treasurer at no cost and the method for doing so. The act also requires that the disclosure of the property's nature and value and the owner's share be clear and conspicuous.

In addition, the act requires that any solicitation to locate unclaimed property clearly and conspicuously disclose in writing that anyone may search for and file a claim directly with the treasurer at no cost and how to do so.

Under the act, any claim for property filed with the treasurer under such an agreement or solicitation must include an unredacted version of the document to allow the treasurer to determine if the requirements under the act and existing law have been met. The treasurer may withhold payment of a claim to anyone except an owner if the agreement or solicitation (1) is not provided or (2) fails to meet these requirements.

As under existing law, nothing in these provisions may be construed to prevent an owner from asserting that an agreement to locate or obtain an interest in unclaimed property is based upon excessive or unjust consideration. By law, the maximum fee or compensation for a person helping to locate unclaimed property is 10% of its value.

EFFECTIVE DATE: July 1, 2024

§§ 101-104 — COPAYMENT-ONLY HEALTH PLANS

Exempts copayment-only health plans from the insurance law's copayment limitations for certain in-network imaging services and physical and occupational therapy services

Existing law limits the copayments that certain fully insured individual and group health insurance policies can charge for specified in-network imaging services (i.e., MRIs, CAT or PET scans) and in-network physical and occupational therapy services. For the imaging services, the law exempts high-deductible health plans from the copayment limitations.

The act exempts copayment-only health plans from the copayment limitations for in-network (1) MRIs and CAT or PET scans and (2) physical and occupational therapy services. Under the act, a "copayment-only health plan" is a health plan that (1) imposes a specific dollar amount that the insured pays for a covered health care service or prescription drug and (2) does not include deductibles or coinsurance.

For MRIs and CAT or PET scans, the act applies to all fully insured individual and group health insurance plans. For physical and occupational therapy services, the act applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

EFFECTIVE DATE: January 1, 2025

§ 105 — PRESUMPTIVE MEDICAID ELIGIBILITY FOR HOMECARE

Eliminates Section 10 of PA 24-39 and replaces it with generally similar provisions; requires the DSS commissioner to establish a presumptive Medicaid eligibility system for people applying to the Medicaid-funded portion of CHCPE; requires the state to pay for up to 90 days of home care for applicants found presumptively Medicaid eligible

The act eliminates Section 10 of PA 24-39 and replaces it with generally similar provisions. It requires the DSS commissioner to establish a presumptive Medicaid eligibility system for people applying to the Medicaid-funded portion of the Connecticut Home Care Program for Elders (CHCPE). It requires the commissioner to adopt regulations to implement and administer the system.

A presumptive eligibility determination makes an applicant immediately eligible for CHCPE services before a full Medicaid-eligibility determination. Under the act, the state must pay for up to 90 days of care for applicants who (1) require a skilled level of nursing care and (2) are determined presumptively eligible for Medicaid.

The act requires the commissioner, as federal law allows, to seek a federal Medicaid waiver or state plan amendment needed to try to get federal reimbursement for the costs of providing the presumptive eligibility coverage above. Under the act, the presumptive eligibility system does not take effect until the commissioner gets the federal reimbursement.

The act allows the commissioner, in her discretion, to discontinue the system if (1) it has been operational for at least two years and (2) she determines it is not cost effective.

The act also makes related minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2024

Eligibility Determinations

By law, DSS contracts with "access" agencies to determine CHCPE participants' service needs and develop individualized care plans. The act requires the commissioner to develop a screening tool for these agencies to use to determine if a presumptive eligibility applicant is (1) functionally able to live in a home or community setting ("functionally eligible") and (2) likely to be financially eligible for Medicaid.

Under the act, applicants must complete a Medicaid application on the day of their functional eligibility screening or within 10 days after it.

If the applicant meets these criteria, DSS must make a presumptive eligibility determination and approve a care plan authorizing home care services within 10 days. The act (1) requires DSS to make a final Medicaid-eligibility determination by the end of the 90-day presumptive eligibility period and (2) allows the department to do so before then if it receives information that the applicant is ineligible for Medicaid.

For a person determined presumptively eligible for Medicaid, the commissioner must, in keeping with federal law, determine the person retroactively eligible for Medicaid for up to 90 days before the date of the person's Medicaid application.

Written Agreement

The act requires applicants to sign a written agreement (1) attesting to the accuracy of the information they provide; (2) acknowledging that they will receive state-funded services up to 90 days after the home care services begin; and (3) waiving any right to continued coverage while waiting for a hearing they request in response to the department's determination (during or at the end of the presumptive eligibility period) that they are either ineligible for Medicaid or did not provide information necessary for DSS to make the determination.

Reporting Requirements

By law, the commissioner must annually report certain CHCPE information to the Human Services Committee. The act adds the following to this required information:

1. the number of people determined presumptively eligible for Medicaid,
2. state savings based on institutional care costs that were averted by correctly determining people presumptively eligible, and
3. the number of people incorrectly determined presumptively eligible and the costs to provide them with the home care services before the final eligibility determination.

§ 106 — MEN'S HEALTH PUBLIC AWARENESS AND EDUCATION CAMPAIGN

Requires the DPH commissioner to create and annually report on a campaign promoting community-based screening and education for common diseases affecting high-risk male populations

The act requires the DPH commissioner to develop a public awareness and educational campaign promoting community-based screening and education for common diseases (e.g., colorectal or prostate cancer, hypertension, diabetes, high cholesterol, chronic obstructive pulmonary disease, asthma, infectious diseases, depression, and anxiety) affecting high-risk male populations. She must annually report on the campaign to the Public Health Committee starting by January 1, 2025.

EFFECTIVE DATE: July 1, 2024

§ 107 — HIGHER EDUCATION FINANCIAL SUSTAINABILITY ADVISORY BOARD

Establishes the Higher Education Financial Sustainability Advisory Board, designates its members, assigns the board powers and duties, and requires public higher education institutions and the UConn Health Center to submit certain information to the board at the chairpersons' request

Membership and Administration

The act establishes, within the legislative department, the Higher Education Financial Sustainability Advisory Board. The advisory board must consist of the:

1. chairpersons and ranking members of the Appropriations Committee,
2. chairpersons and ranking members of the Appropriations Higher Education Subcommittee,
3. chairpersons and ranking members of the Higher Education and Employment Advancement Committee, and
4. OPM secretary.

The Appropriations Committee chairpersons and the OPM secretary must jointly serve as board chairpersons and schedule and hold the first board meeting by September 1, 2024. The board must meet at least quarterly, and a majority of its members constitutes a quorum.

The Appropriations Committee's administrative staff must serve in that capacity for the board.

Board Powers and Duties

Under the act, the board has the following powers and duties:

1. meet with public higher education institution and UConn Health Center administrators to accept and review financial and related reports (see below) and to discuss (a) barriers to meeting state workforce needs, (b) developing economic growth, and (c) achieving or maintaining affordable tuition;
2. obtain from any executive department, board, commission, or other state agency the assistance and data needed to carry out board powers and duties; and
3. perform other acts that may be necessary and appropriate to carry out the board's duties.

Reporting Requirements

The act requires each public higher education institution and the UConn Health Center to submit to the board, at the request of the board's chairpersons, the following information:

1. a detailed financial report for the current fiscal year, subsequent fiscal year, and five preceding fiscal years, that identifies each revenue source, expense category, and any assumptions upon which the reports are based;
2. a detailed plan that eliminates a deficiency if the current or subsequent year's financial report projects one;
3. a summary and general ledger account code analysis of the institution's unrestricted net position for the most recently completed fiscal year;
4. the number of full- and part-time enrolled students disaggregated by in-state and out-of-state;
5. the number of vacant and filled employment positions disaggregated by bargaining unit and management confidential type with corresponding average salaries from the first payroll in October of the most recently completed fiscal year;
6. a summary of the institution's cost drivers;
7. a summary of budget constraints affecting (a) workforce developments, economic development efforts, and student quality of life, including time required for degree completion, and (b) research productivity and faculty retention and recruitment; and
8. any other financial, operational, performance, or other outcome information, metrics, or data the board requests.

Under the act, the board may require an institution to submit the above information on a disaggregated basis.

EFFECTIVE DATE: July 1, 2024

§ 108 — EDUCATION MANDATE REVIEW ADVISORY COUNCIL

Modifies criteria for two of the council's 10 appointees

PA 24-45, § 1, establishes an Education Mandate Review Advisory Council to advise and annually report to the Education Committee on the (1) cost and implementation of existing education mandates on local and regional boards of

education and (2) impact of proposals to add to or revise these mandates. The council consists of 10 legislative appointees (six by the legislative leaders and four by the Education Committee's leadership).

The act modifies the criteria for the Education Committee's Senate members' appointments. PA 24-45 required each to appoint a public school teacher in Connecticut. The act instead requires the (1) chairperson to appoint a representative of the Connecticut Education Association and (2) ranking member to appoint a representative of the American Federation of Teachers-Connecticut.

EFFECTIVE DATE: July 1, 2024

§ 109 — POPULATION DATA FOR MUNICIPAL GRANTS

For FY 25, requires OPM to use DPH's 2021 population estimates to calculate municipal grants

For FY 25, the act requires OPM to use DPH's 2021 population estimates when calculating municipal grants that are based, at least in part, on a municipality's current population.

EFFECTIVE DATE: July 1, 2024

§ 110 — BOR MEMBERSHIP EXPANSION

Expands BOR to include the OPM secretary as an ex-officio, nonvoting member

By law, BOR is the governing body for CT State (i.e., the recent consolidation of the state's 12 regional community-technical colleges), the Connecticut State Universities, and Charter Oak State College. The act increases BOR's membership from 22 to 23 members by requiring the OPM secretary, or his designee, to serve as an ex-officio, nonvoting member. Under existing law and unchanged by the act, the chief workforce officer and the commissioners of the education, economic and community development, labor, and public health departments also serve as ex-officio, nonvoting members.

EFFECTIVE DATE: July 1, 2024

§ 111 — TECHNICAL CORRECTIONS DURING CODIFICATION

Requires LCO to make necessary technical, grammatical, and punctuation changes when codifying the act and other public acts

The act requires the Legislative Commissioners' Office (LCO) to make technical, grammatical, and punctuation changes as necessary to codify the act, including internal reference corrections. It also requires LCO, when codifying any 2024 public act, to make any necessary technical, grammatical, and punctuation changes to effectuate the act's renaming of the executive directors of OHS and OHE as commissioners.

EFFECTIVE DATE: Upon passage

§§ 112-119 — REVISIONS TO MAGNET SCHOOL AND VO-AG CENTER FUNDING PROGRAMS; CREATION OF NEW CHOICE PROGRAM GRANT

Makes significant changes to education funding grant programs for (1) interdistrict magnet schools and (2) regional agricultural science and technology centers (i.e., "vo-ag centers"); eliminates, for FY 25, the existing magnet school and vo-ag center grants, and replaces them with new grants under the choice program

The act makes significant changes to education funding grant programs for (1) interdistrict magnet schools and (2) regional agricultural science and technology centers (i.e., "vo-ag centers").

The act eliminates, for FY 25, the existing magnet school and vo-ag center grants and replaces them with new grants under the choice program, which the act creates. Under the act, the choice program grant provides funding for local or regional boards of education (i.e., "school boards") that operate a magnet school or a vo-ag center. It also creates a grant for any magnet school operated by an entity that is not a board of education, such as an independent institution of higher education. The act creates the new grants for one year, allowing them to sunset at the end of FY 25 (June 30, 2025).

The act uses student need weightings in the choice program grants that mirror existing law's weighting for education cost sharing (ECS) grants and charter school grants. This gives additional weight for students eligible for free or reduced-priced meals or free milk (FRPM) or designated as English language learners. By doing this, these grants give added funding for students that meet those criteria.

Finally, the act requires the State Department of Education (SDE), by June 30, 2024, and again on February 1, 2025, to calculate and give estimates to the relevant operators or towns for the new grants. It creates a similar estimate requirement for SDE regarding ECS and state charter school grants.

EFFECTIVE DATE: July 1, 2024, unless otherwise specified below.

New Choice Program Grants (§ 112)

For FY 25, the act provides choice program grants for vo-ag centers and two different interdistrict magnet school grants, based on who operates the magnet school.

The state's vo-ag centers serve high school students from multiple sending towns and provide an agricultural career education in addition to the comprehensive high school education.

Under the act, one magnet school grant is for school board-operated magnets and the other is for operators that are not school boards, such as an independent institution of higher education. By law, an inter-district magnet school (i.e., magnet school) must (1) enroll no more than 75% of its students from the same district with at least 25% coming from other districts; (2) maintain an enrollment that meets state standards for a reduced-isolation setting; (3) support racial, ethnic, and economic diversity; and (4) enroll students who are at least half time.

Grant Student Weights. For choice program grants, the act creates a grant formula that applies weights for certain students, such as whether the students are (1) from families that qualify for FRPM or (2) English language learners.

The weights increase the grant amounts for those students because the grant amount is produced by multiplying the need student number by the foundation number (see below). For example, the act uses a 30% weighting for student poverty (i.e., students that qualify for FRPM) for each of these grants. If 100 students from a district qualify, then those students count as 130 students for grant purposes. This increases the grant as the weighted number becomes the new student number that is multiplied by the foundation amount.

Foundation. Under the act, the foundation amount is $11,525 per pupil, which is the same as in the ECS law.

Host Magnet and Vo-Ag Grants. Under the act, grants for the magnets operated by a school board (i.e., a host magnet) and vo-ag center use similar factors.

For FY 25, the new amount the magnet operator or vo-ag center receives must be (1) the grant they would receive with the FY 24 grant method (under prior law) using FY 25 enrollment plus (2) 42% of the difference between the new grant calculation (see below) and the amount they would have received if using the FY 24 method.

New Grant Calculation. For FY 25, the new grant calculation is the sum of the (1) sending town adjustment factors for each sending town added together and (2) number of in-district students for the choice program multiplied by the applicable per-student grant (magnet or vo-ag). The sending town is the student's town of residence that would otherwise be responsible for educating the student.

Sending Town Adjustment Factor. The "sending town adjustment factor" is the number of the town's resident choice program students multiplied by the greater of the sending town's (1) weighted funding amount per pupil or (2) total revenue per pupil. The "weighted funding amount per pupil" is the (1) foundation amount multiplied by a town's total need students for the fiscal year before the grant payment year and (2) resulting product divided by the number of a town's resident students. The "total revenue per pupil" is the sum of the (1) per-pupil amount of state grants for FY 24; (2) tuition received for choice students for FY 24; and (3) where appropriate, tuition received for children in a regional educational service center (RESC)-operated preschool program at a magnet school for FY 24. This means the FY 24 total revenue per pupil amount becomes the hold harmless per pupil amount for these grants.

Additional Definitions. Additionally, the act defines the following terms for the new grants:

1. "total need students" is a student poverty weighting (as under ECS law) of (a) 30% of students eligible for FRPM plus 15% of any FRPM-eligible students above 60% of the total number of resident students and (b) 25% of the number of students identified as English language learners;
2. "resident students" is generally the number of students in a town enrolled in its public schools at the town's expense as of October 1 of each year (as under the ECS law);
3. "resident choice program students" is the number of part-time and full-time students of a town enrolled or participating in a particular choice program; and
4. "out-of-district student" is a student (a) enrolled or participating in a choice program operated or maintained by a local or regional board of education and (b) who does not reside in the town or a member town of the local or regional board.

Non-Board of Education Magnet Schools. For this FY 25 grant, a magnet school operator is an entity that is (1) not a board of education (presumably, this includes RESCs); (2) a nonprofit private institution of higher education that has its main campus in the state; or (3) a third-party nonprofit corporation that the SDE commissioner approves.

Under the act, a magnet school operator that is not a board of education is entitled to a grant for FY 25 that is (1) the grant amount it would receive with the FY 24 grant method (current law) using FY 25 student enrollment plus (2) 42% of the difference between the non-board of education grant calculation (see below) and the amount it would have received using the FY 24 method with the FY 25 enrollment.

Non-Board of Education Grant Calculation. This grant calculation equals the product of the foundation and its total magnet school program need students.

Hold Harmless Provision. The act includes a specific hold harmless provision for FY 25 grants for operators that are not boards of education. This hold harmless grant is triggered when the revenue per student for FY 24 is greater than the per student revenue for FY 25.

The first measure for the comparison to make this determination is the sum of the total revenue per pupil during FY 24, divided by the total number of students enrolled in the same program during FY 24. The second measure is the sum of the adjusted total revenue per pupil divided by the number of students enrolled in the same program during FY 25. If the first measure is greater than the second, then the operator receives a hold harmless grant that is the sum of the (1) new grant as calculated above and (2) product of the (a) difference between total revenue per pupil for FY 24 and the new grant plus tuition for FY 25 (i.e., the adjusted total revenue per pupil) and (b) total number of students enrolled in the program during FY 25.

Under the act, the "adjusted total revenue per pupil" is the sum of the following three things:

1. per student grant amount for a choice program student for FY 25,
2. per student amount of any general education tuition for a student in the choice program for FY 25, and
3. per child amount of any tuition charged for a child enrolled in a preschool program offered by a RESC operating an interdistrict magnet school preschool program for FY 25.

The act creates a formula for calculating total magnet school program need students that (1) counts full- and part-time students at the magnet schools, (2) generally uses the ECS student weighting percentages, and (3) includes a *Sheff* region additional student weighting (see *Background — Sheff Region*). The foundation component for this grant also has an annual cost-of-living factor that potentially increases the foundation from one year to the next.

Student Weighting. The student need weighting reflects the ECS formula weighting as follows: (1) student poverty weighting is 30% of students eligible for FRPM plus 15% of any FRPM-eligible students above 60% of the total number of resident students and (2) a 25% weighting for the number of students identified as English language learners.

For FY 25, the act includes a 30% additional student weighting for magnet schools that help the state meet its obligations under the *Sheff* v. *O'Neill* desegregation decision and related agreements or orders (see *Background — Sheff v. O'Neill State Supreme Court Decision*).

Choice Program, ECS, and Charter School Grant Estimates (§ 113)

The act requires SDE, by June 30, 2024, to calculate and give the relevant operators or towns estimates for the following grants for the next fiscal year (FY 25):

1. each choice program grant the act establishes (SDE must notify each local and regional board of education and interdistrict magnet school program operator that is not a local or regional board of education),
2. ECS grants (SDE must notify each town), and
3. charter school grants (SDE must notify the fiscal authority for each school).

The act also requires SDE to prepare the estimates by December 31, 2024, for the ECS grants, and by February 1, 2025, for the charter school grants. For each of these calculations, SDE must calculate the estimates for the next fiscal year using data collected during the current one.

EFFECTIVE DATE: Upon passage

Magnet School Grant Programs and Tuition (§§ 114 & 115)

For FY 25, the act eliminates the prior law per-student magnet school grants and replaces them with the new choice program grants the act creates. It sunsets the new grant at the end of FY 25.

Under prior law, a magnet school generally received a $3,060 state grant for each student from the district that hosts the school (home district) and, depending on the type of magnet school, one of the grants listed in the table below for students from sending towns. In 2023, the legislature added a provision, beginning in FY 25, that instead set these amounts as the minimum per-student grant amounts, which allows SDE to increase the grants within available appropriations.

In addition to repealing the $3,060 grant for host district students, the act repeals the magnet school grants shown in the below table for students from sending districts. It also deletes obsolete provisions.

Magnet School Grants Repealed Under the Act

Type of Magnet	*Prior Law §*	*Prior Law Minimum Amount for Sending Students*
Non-*Sheff* host magnet	114(c)(1)	$7,227
Non-*Sheff* RESC magnet with less than 55% enrollment from one town	114(c)(3)(A)	8,058
Non-*Sheff* RESC magnet with 55% or more of enrollment from one town	114(c)(3)(B)	7,227
Sheff host magnet	114(c)(3)(F)	13,315
RESC magnet enrolling less than 60% of its students from Hartford (i.e., *Sheff* magnet)	114(c)(3)(D)(i)	10,652
RESC magnet enrolling less than 50% of its students from Hartford (i.e., *Sheff* magnet)	114(c)(3)(D)(ii)	8,058 (for half of the non-Hartford students enrolled over 50% of total enrollment) 10,652 (for all the other students)
Magnet operated by independent institution of higher education and that meets certain criteria (i.e., Goodwin University)	114(c)(3)(E)	65% of the 10,652 grant for students enrolled in both semesters each year 32.5% of 10,652 for those enrolled in one semester a year
Greater Hartford Academy of the Arts	114(c)(3)(H)	65% of 8,058 (the grant for RESC magnets with less than 55% from a single town)

The act eliminates the requirement that magnet school programs operating at least half-time, but at less than full-time, receive a grant equal to 65% of what a full-time program would receive. (The act's provisions on choice grants treat half-time students the same as full-time students.)

The act repeals a provision that limits the total grant SDE can pay to a magnet school operator to no more than the aggregate of the operator's reasonable operating budget, less revenue from other sources.

Magnet Tuition Charged to Boards of Education. The act grants independent higher education institutions or approved nonprofits operating a magnet school the same authority and limits that RESCs have to charge tuition to sending boards of education (this conforms to existing practice). As with the RESCs, an independent higher education institution beginning with FY 25 may not charge tuition more than 58% of the tuition charged for FY 24.

Magnet Preschool Tuition Charged to Parents. Under prior law, RESC magnets (both in and outside the *Sheff* region) could charge FY 24 tuition of up to $4,053 to parents or guardians of children attending preschool, but they could not charge tuition to any parent or guardian with a family income at or below 75% of the state median income. The act instead limits the tuition amount beginning in FY 25 to no more than 58% of the tuition charged during FY 24.

Beginning in FY 25, the act creates the same tuition provisions mentioned above (58% tuition limit for FY 25 and the following years and a ban on charging tuition to any family below 75% of the state median income) for an independent higher education institution or an approved nonprofit operating a preschool as part of a magnet school.

Under the act, SDE is responsible for any unpaid tuition charged to a parent or guardian with a family income at or below 75% of the state median. The commissioner may conduct a comprehensive financial review of the operating budget of any magnet school charging tuition to verify the tuition rate.

Magnet Students and ECS Count. Under the act, magnet school students are counted in the town where they reside for the student count for ECS grants, which codifies existing practice.

Vo-Ag Center Grants and Tuition (§§ 116-119)

For FY 25, the act repeals the $5,200 per-student state grant minimum for vo-ag centers under prior law and replaces it with the vo-ag choice program grant the act creates (see § 112 above). It sunsets the new grant at the end of FY 25. It also repeals related supplementary grants for vo-ag centers ranging from $60 to $500 per student.

The act repeals the requirement that a sending district give students in its district the same number of seats from one year to the next to enroll in the vo-ag program. Prior law required the districts to make available (1) at least the same number of seats as in any written agreement or, in the absence of one, the average number enrolled over the last three school years and (2) specifically for each ninth-grade class, either the agreement number or the average number that enrolled in ninth grade in each of the last three years.

The act also specifies that for a town's student count for the ECS grant, a student enrolled in a vo-ag center is counted in the town where the student resides, which codifies current practice.

For vo-ag grants under prior law, the act removes the requirement that they be within available appropriations for FY 24 (§ 119).

EFFECTIVE DATE: July 1, 2024, except the section addressing vo-ag grants for FY 24 (§ 119) is effective upon passage.

Background — Sheff v. O'Neill State Supreme Court Decision

In this 1996 decision, the Connecticut Supreme Court ruled that the state had a constitutional obligation to remedy the educational inequities in Hartford schools caused by racial and ethnic isolation (*Sheff* v. *O'Neill*, 238 Conn. 1 (1996)). The court ordered the state legislature and governor to craft a solution and legislation was passed to create voluntary desegregation in Hartford by creating magnet schools and using other programs, such as Open Choice.

Background — Sheff Region

This region includes the school districts for the towns 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.

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

Requires SDE to apportion the $150 million appropriated for FY 25 for "Education Finance Reform" in specific amounts for (1) supplemental funds for the following grants: ECS, charter schools, interdistrict magnet schools, the Open Choice Program, and vo-ag centers, and (2) grants for specific projects, programs, towns, and agencies

The 2023 budget act required SDE to apportion the $150 million appropriated for "Education Finance Reform" for FY 25 to five major education grants: ECS, charter schools, magnet schools, Open Choice, and vo-ag centers. The act modifies how the money is allocated, including by providing funds for new projects and programs.

The act allocates $139,626,522 to (1) supplement ECS grants and charter school grants and (2) provide the choice program grants the act establishes (see § 112 above).

The act specifically provides $1,473,478 to supplement the amount appropriated to SDE's charter schools account and to be used for grants for the following charter school seat expansion:

1. Brass City Charter School, 40 seats;
2. Odyssey Community School, 36 seats;
3. Interdistrict School for the Arts and Communication, 52 seats; and
4. Integrated Day Charter School, 22 seats.

This charter school supplement must take into account reducing the funds for Booker T. Washington Academy by 40 seats.

Funds for Plan, Database, and Mapping Project

The act allocates the following funds for certain plans, a database, and a mapping project and requires SDE to make all payments below by September 30, 2024:

1. $50,000 to be used by the SDE commissioner to develop a plan to convert the State Board of Education (SBE) into an advisory board and make the SDE commissioner the department head (see § 121 below);
2. $400,000 to provide a grant-in-aid to the Connecticut Association of Boards of Education to develop a new, or expand an existing, database to collect and retain educator professional development records; and
3. $100,000 for SDE to enter into a memorandum of understanding (MOU) (under a statute that allows one agency to designate another through an MOU to use funds for a purpose) with UConn to provide the funds to the UConn School of Public Policy to conduct a study and comprehensive asset and capacity mapping for nonprofit organizations (see § 122 below).

Funds for Programs, Municipalities, and Organizations

The act allocates the following funds for certain programs, municipalities, or organizations and requires SDE to make all the payments below by September 30, 2024:

1. $175,000 to provide a grant-in-aid to the New Haven Board of Education to buy bus passes for state-owned or state-controlled bus public transportation service for students enrolled in grades 9 to 12, inclusive, in New Haven public schools;
2. $175,000 to provide a grant-in-aid to the Hartford Board of Education to buy bus passes for state-owned or state-controlled bus public transportation service for students enrolled in grades 9 to 12, inclusive, in Hartford public schools;
3. $5,000,000 to provide a grant-in-aid to the Hartford board of education for magnet school tuition assistance;
4. $1,200,000 to provide a grant-in-aid to the Goodwin University Magnet Schools, Inc. for student enrollment expansion and compliance with the *Sheff* decision and settlement, as determined by the SDE commissioner;
5. $650,000 to provide a grant-in-aid to InterCommunity Health Care to provide mental health services to students at the school-based health centers in the East Hartford school district;
6. $200,000 to provide a grant-in-aid to the Connecticut Association of Schools for operating and personnel expenses, including hiring an assistant director of leadership and development;
7. $150,000 to provide a grant-in-aid to the Artist Collective for arts enrichment for students in grades kindergarten to 12, inclusive; and
8. $800,000 to provide a grant-in-aid to the Brother Carl (Hardick) Institute for tutoring and mentoring services for students in grades 4 to 12, inclusive, and development of a summer college preparation program.

Under the prior budget act, the funds were allocated as shown below:

1. $68,499,497 to the ECS grants account in SDE to provide ECS grants;
2. $9,378,313 to SDE's Charter Schools account to provide charter school operating grants;
3. $40,188,429 to SDE's Magnet Schools account to increase per-student grant amounts to magnet school operators that are not local or regional school boards (including magnet schools operated by RESCs, independent institutions of higher education, or other approved operators);
4. $13,254,358 to SDE's Magnet Schools account to increase per-student grant amounts to local and regional school boards that operate magnet schools;
5. $11,430,343 to SDE's Open Choice Program account to increase per-student grant amounts to local and regional school boards that are receiving districts under the Open Choice program; and
6. $7,249,060 to school boards of education that operate vo-ag centers.

EFFECTIVE DATE: July 1, 2024

§ 121 — PLAN TO CONVERT THE STATE BOARD OF EDUCATION INTO AN ADVISORY BOARD

Requires the SDE commissioner to develop a plan to convert SBE into an advisory board and make the SDE commissioner the department head

The act requires the SDE commissioner to develop a plan to (1) convert SBE from its legal status as the agency department head to an advisory board within the department and (2) empower the SDE commissioner to become the department head. By January 1, 2026, the commissioner must submit the plan and any legislative recommendations to the Education Committee.

EFFECTIVE DATE: Upon passage

§ 122 — ASSET AND CAPACITY MAPPING FOR NONPROFITS

Requires UConn's School of Public Policy to conduct a study and comprehensive asset and capacity mapping for nonprofit organizations to support information-sharing and collaboration between nonprofits and communities; requires the school to provide an interim report and a final report to the Education Committee

The act requires UConn's School of Public Policy to conduct a study and comprehensive asset and capacity mapping for nonprofit organizations in Connecticut to support information-sharing and collaboration between the nonprofits and the communities they serve. The School of Public Policy must consult with state agencies, nonprofit organizations, and philanthropic associations while doing this work.

Under the act, the study and mapping must do the following:

1. assess the nonprofit organizations' capacity to help the state address public needs and identifying assets' availability and strength and services' gaps or weaknesses;
2. provide an effective tool for sharing data, documents, and communication among the nonprofit organizations to strengthen their capacity to serve state residents;
3. provide a resource for policymakers to determine gaps in services and capacity and enhance collaboration among different nonprofit organizations working in the same geographic areas and serving the same target populations;
4. provide information to policymakers on ways to ensure that resources are invested in areas and populations with the greatest need; and
5. present data by town, by county, and statewide, as well as by each regional council of government, and include a summary of available resources, including nonprofit organizations and state agencies, to create a database of the state's nonprofit organizations by target service population, mission, and geography.

The act requires OPM, the Department of Consumer Protection, the secretary of the state, and any other state agency that contracts with nonprofits to provide the School of Public Policy, upon its request, with any data needed to conduct the study and mapping.

The school must submit to the Education Committee a preliminary report by October 1, 2024, and a final report by June 30, 2025.

The final report must include the following:

1. the comprehensive asset and capacity mapping for nonprofit organizations in Connecticut;
2. recommendations, including a model to enhance collaboration among nonprofit organizations to ensure that state investments are addressing service gaps and not contributing to duplicative efforts or competition among the organizations, and the extent that the lack of resources, including budget deficits or other fiscal shortfalls, or state agency policies or regulations impede collaboration and lead to duplicative efforts and services; and
3. guidance on how to use the comprehensive asset and capacity mapping to create a continuum of care document.

The act also requires the School of Public Policy to make the final report and the comprehensive asset and capacity mapping available on its website by June 30, 2025.

EFFECTIVE DATE: July 1, 2024

§ 123 — SDE DISTRIBUTION OF PARAEDUCATOR FUNDING

Sets a September 1, 2024, deadline for SDE to distribute to school boards the FY 23 amount allocated to the department from ARPA funding for paraeducator professional development

The act requires SDE, by September 1, 2024, to distribute to local and regional boards of education the American Rescue Plan Act (ARPA) funding allocated to the department for paraeducator professional development for FY 23. SDE must distribute the funds to school boards, proportionately based on the number of paraeducators each board employs, to cover the cost of providing them professional development and in-service training.

EFFECTIVE DATE: Upon passage

§§ 124 & 126 — PARAEDUCATOR HEALTH INSURANCE PROGRAMS

Extends by one year an HSA subsidy program for paraeducators and expands it to cover HDHPs for Medicare-eligible paraeducators; requires the comptroller to establish a one-year premium subsidy program for school boards that provide paraeducators with certain health plans; requires the comptroller and SDE commissioner to enter into an MOU related to these programs; repeals a program giving stipends to paraeducators to purchase a qualified health plan through Access Health CT

HSA and High-Deductible Health Plan Subsidy Program

PA 23-204, § 203, required the comptroller to establish a program for FY 24, within available appropriations, giving subsidies to paraeducators who (1) open a health savings account (HSA) and (2) are employed by a local or regional board of education.

The act extends the program to FY 25 and expands it to also give subsidies to paraeducators who (1) are employed by boards of education, (2) are Medicare-eligible, and (3) enroll in a high deductible health plan (HDHP).

Under prior law, the subsidy was a percentage of the initial investment made to open the account. The act instead sets the subsidy as a percentage of the deductible for the paraeducator's health plan, minus the amount of any employer contributions to an HSA or health reimbursement account. As under prior law, (1) the comptroller specifies the percentage and maximum subsidy and (2) no paraeducator may receive more than one subsidy.

The act (1) allows the comptroller to work with boards of education to distribute the subsidies and (2) eliminates the requirement for paraeducators to apply to the comptroller to participate in the program.

Premium Subsidy Program for School Boards

The act requires the comptroller, for FY 25, to set up a program giving subsidies to school boards that provide coverage to paraeducators and their dependents under a health benefit plan (generally, a health insurance plan) or partnership plan (a health benefit plan the comptroller offers to nonstate public employers and certain others), but not under an HDHP. The subsidies must be given from any funds appropriated for this purpose.

Under this program, the subsidy must be no more than 10% of the aggregate premium cost, including the employee and employer shares, that the board paid for coverage under the plan, divided by the number of paraeducators employed by the board and enrolled in health coverage. The subsidy must be used to offset the employee's share of the premium that is deducted from the paychecks of each paraeducator the board employed during any pay period in FY 25.

MOU

To implement these two subsidy programs, the act requires the comptroller and SDE commissioner to enter into an MOU, under existing procedures, to allow the comptroller to use the $5 million appropriated to SDE for assistance to paraeducators under the FY 24-25 budget act.

Repealer

The act also repeals a program that, under prior law, gave stipends to eligible paraeducators to buy silver-level health insurance plans through Access Health CT.

EFFECTIVE DATE: July 1, 2024, except the repealer is effective upon passage.

§ 125 — SERC FUNDING ALLOCATION

Requires, rather than allows, the SDE commissioner to allocate funds to SERC

Prior law allowed the SDE commissioner to allocate funds to the State Education Resource Center (SERC) so that it may provide professional development services, technical assistance and evaluation activities, policy analysis, and other forms of assistance to the following entities: (1) local and regional boards of education, (2) SDE, (3) state and local charter schools, (4) the Technical Education and Career System, (5) school readiness program providers, and (6) other education entities and providers. The act makes the commissioner's fund allocation to SERC required rather than optional.

EFFECTIVE DATE: July 1, 2024

§§ 127-130 — DEEP PUBLIC HEARINGS FOR TRANSPORTATION CAPITAL PROJECTS

For certain transportation capital projects, requires specified information to be included in a petition for a DEEP public hearing on an application for a (1) tidal or inland wetland activity permit; (2) structures, dredging, or fill permit; or (3) certification to conduct certain work in a floodplain

Under certain circumstances, existing law requires the Department of Energy and Environmental Protection (DEEP) commissioner to hold a public hearing on an application for authorization to:

1. conduct a regulated activity in a tidal or inland wetland (e.g., draining, dredging, excavating, removing soil, depositing material);
2. perform certain work in the tidal, coastal, or navigable waters of the state waterward of the coastal jurisdiction line (e.g., dredge, erect structures, place fill); or
3. undertake activities or critical activities (i.e., those with a certain chance of flooding) by a state agency in or affecting a floodplain (generally, a "regulated activity").

One of these circumstances is when the commissioner receives a petition signed by at least 25 people asking for a hearing.

The act, however, requires the inclusion of specified information in public hearing petitions about certain transportation capital projects. Under the act, the additional information is required if the:

1. project is not at an airport;
2. federal government requires public participation in the activity; and
3. person proposing to do the activity (a) sought public input on it by implementing a plan a federal agency approved and (b) gave the commissioner a copy of the plan, a written summary of the public participation opportunities involved, and a copy or record of the comments received and how they were responded to or addressed.

In this case, the act only requires the commissioner to hold the hearing if the petition alleges aggrievement or unreasonable pollution, or destruction of the public trust, which must include specific facts to show either that the:

1. legal rights, duties, or privileges of at least one signatory will or may reasonably be expected to be affected by the regulated activity or
2. regulated activity involves conduct that has or is reasonably likely to unreasonably pollute, impair, or destroy the public trust in the state's air, water, or other natural resources.

In the above cases, the petition must identify the relevant law or regulation that the proposed regulated activity is alleged to not meet. The commissioner must give a copy of the petition to the person proposing the activity, who then has seven business days to object to it for failing to have the specific facts required above.

Under the act, the commissioner must (1) determine if the petition meets the above requirements and (2) give written notice of her decision to the person who submitted the petition and the person who proposed the regulated activity.

Lastly, the act specifies that its public hearing petition requirements for transportation capital projects do not change or limit requirements for public scoping (i.e., soliciting public input), a public hearing, or public participation under the Connecticut Environmental Policy Act.

EFFECTIVE DATE: July 1, 2024

§§ 233-239 — FY 24 BUDGET ADJUSTMENTS

Makes deficiency appropriations for FY 24 in the General Fund and STF and reduces appropriations in five appropriated funds

The act appropriates a total of $333,556,789 from the General Fund and $6,600,000 from the Special Transportation Fund (STF) to cover deficiencies in various state agencies and programs for FY 24. It also reduces FY 24 appropriations in the (1) General Fund by $244,300,000; (2) STF by $22,350,000; (3) Banking Fund by $4,800,000; (4) Insurance Fund by $9,450,000; and (5) Workers' Compensation Fund by $2,800,000.

EFFECTIVE DATE: Upon passage

§§ 240 & 241 — CARRYFORWARD OF CERTAIN CANNABIS-RELATED APPROPRIATIONS

Carries forward certain unspent funds appropriated to OPM for costs associated with cannabis legalization and requires them to be used for other purposes (however, a separate act repeals these provisions and carries forward these funds for different purposes)

The act requires that up to $800,000 in unspent funds made available to OPM for costs associated with cannabis legalization and carried forward to FY 24 be made available in FY 24 for (1) up to $500,000 to implement executive branch agency process improvements and (2) up to $300,000 for pension consultation services. It also carries forward the unspent balance of these funds for the same purposes for FY 25.

The act also carries forward up to $1,500,000 in unspent funds that were previously made available to OPM for costs associated with cannabis legalization and carried forward to FY 24. These funds must be transferred to the Department of Social Services for FY 25 and used for Community Action Agencies.

(PA 24-151, §§ 148-150, repeals these provisions and carries forward these funds for other purposes.)

EFFECTIVE DATE: July 1, 2024

§ 242 — SCHOOL MEALS

For FY 25, makes SDE financially responsible for school boards' portion of the cost for reduced price meals for students not enrolled in a school that qualifies for maximum federal reimbursement under the CEP

For FY 25, the act makes SDE financially responsible for local and regional school boards' portion of the cost for reduced price meals under the National School Lunch Program and School Breakfast Program. Specifically, it makes the agency responsible for the costs for students who are not enrolled in a school that qualifies for maximum federal reimbursement for all meals served under the federal Community Eligibility Provision (CEP).

The CEP, a provision in federal law governing school feeding programs, allows certain schools to serve free breakfast and lunch to all students in the entire school without collecting household applications (P.L. 111-296, § 104). Eligible schools that choose to participate are reimbursed by the state using federal funds. Reimbursement amounts are determined using a formula that is tied to the percentage of students categorically eligible for free meals based on their participation in other specific means-tested programs, such as the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families.

EFFECTIVE DATE: July 1, 2024

§ 243 — MRDA REQUIREMENT REPEALED

Repeals the requirement that MRDA review and approve a member municipality's economic development master plan before executing an MOA with it, as well as related provisions

By law, member municipalities that opt to join the Connecticut Municipal Redevelopment Authority (MRDA) must enter into a memorandum of agreement (MOA) with MRDA to establish at least one development district.

The act eliminates the requirements that member municipalities develop an economic development master plan (generally a plan designed to increase the municipality's tax base to a level allowing it to provide an adequate level of municipal services) and submit it for the authority's review and approval before executing the MOA.

The act also eliminates the requirement that projects receiving authority support must be consistent with the (1) members' economic development master plans and plans of conservation and development and (2) applicable Comprehensive Economic Development Strategy.

EFFECTIVE DATE: October 1, 2024

PA 24-151—HB 5524
Emergency Certification

AN ACT AUTHORIZING AND ADJUSTING BONDS OF THE STATE AND CONCERNING PROVISIONS RELATED TO STATE AND MUNICIPAL TAX ADMINISTRATION, GENERAL GOVERNMENT AND SCHOOL BUILDING PROJECTS

TABLE OF CONTENTS:

§ 62 — DOH REPORT ON BOND-FUNDED HOUSING PROGRAMS

Requires DOH to report twice yearly to the Finance, Revenue and Bonding Committee on specified bond-funded programs

§ 63 — DOT GRANT TO UCONN'S DEPARTMENT OF NATURAL RESOURCES AND THE ENVIRONMENT

Requires DOT to award a grant to UConn's Department of Natural Resources and the Environment to study carbon sequestration by trees and other vegetation

§ 64 — HOUSING ENVIRONMENTAL IMPROVEMENT LOAN AND GRANT FUND AND RETROFIT PILOT PROGRAM

Expands DEEP's multi-family housing retrofit pilot program by, among other things, allowing the department to (1) offer grants from the program in addition to loans and (2) contract with quasi-public agencies to administer the fund that finances the program; delays the program's implementation date by one year

§ 67 — INSURANCE PREMIUMS TAX REAUDITS AND REASSESSMENTS

Authorizes the DRS commissioner to reaudit insurance premiums tax returns and impose more than one deficiency assessment, subject to the same requirements that apply to audits and assessments under existing law

§ 68 — INITIAL FIVE-YEAR INSURANCE PREMIUMS TAX RETURNS FOR NONRESIDENT AND FOREIGN COMPANIES

Extends, from 45 days after being initially licensed to do business in Connecticut to 90 days after this date, the deadline for newly licensed nonresident- and foreign-licensed insurance companies to file their initial five-year return to DRS and pay the tax due

§ 69 — INCOME TAX WITHHOLDING FOR RETIREMENT INCOME DISTRIBUTIONS

Generally allows, rather than requires, income tax withholding for certain retirement income distributions and changes the methods for determining the amount of tax withheld from these distributions

§ 70 — LOCAL OPTION PROPERTY TAX EXEMPTIONS FOR FARM MACHINERY AND BUILDINGS

Increases the cap on the local option property tax exemption for (1) farm machinery, from $100,000 to $250,000 in assessed value and (2) certain farm buildings from $100,000 to $500,000 in assessed value

§ 71 — LOCAL OPTION HOMESTEAD EXEMPTION

Allows municipalities to provide a partial property tax exemption for certain owner-occupied primary residences

§§ 72-79 — PROPERTY TAX EXEMPTION FILING DEADLINES

Allows taxpayers in seven municipalities to claim certain property tax exemptions even though they missed the filing deadline to claim the exemption or provide required documentation, as applicable

§§ 80 & 81 — REVALUATION DELAY FOR STRATFORD AND DERBY

Allows Stratford and Derby, with each legislative body's approval, to delay a revaluation scheduled for 2024 to the 2025 assessment year

§§ 82-90 — MUNICIPAL EMPLOYEE RETIREMENT COMMISSION AND MUNICIPAL DEFINED CONTRIBUTION PLAN

Creates the Municipal Employees Retirement Commission and, starting January 1, 2025, transfers responsibility for MERS and the Policemen and Firemen Survivors' Benefit Fund from SERC to the new commission; requires the state comptroller to create a municipal defined contribution retirement plan on or after July 1, 2025, and set how municipalities may adopt the plan

§§ 91-109 — MINOR AND TECHNICAL CHANGES TO TAX RELATED STATUTES

Makes minor, technical, and conforming changes to various tax statutes

§§ 110 & 111 — YOUTH SPORTS GRANT PROGRAM

Creates a youth sports grant program to give grants to distressed municipalities to support the operating costs of nonprofit youth sports organizations; funds the program with 2% of the state's revenue from sports wagering

§ 112 — NET OPERATING LOSS

Extends, from 20 to 30 income years, the period when corporations may carry forward an NOL deduction for corporation business tax purposes for NOLs incurred in income years starting on or after January 1, 2025

§ 113 — MUNICIPAL APPROVAL OF SOLAR CANOPIES

Amends PA 24-31 to allow, rather than require, municipal planning and zoning commissions to (1) establish a simplified process for applications to build solar canopies and (2) act on land use applications for solar canopies within six months

§ 114 — ASSESSMENT APPEALS BROUGHT TO SUPERIOR COURT

Establishes conditions under which certain people who filed a property tax assessment appeal with the Superior Court from July 1, 2022, but before July 1, 2024, and had their appeal dismissed may bring another appeal application to the court

§ 115 — TIPPING FEE STABILIZATION REIMBURSEMENT

Allows up to $6 million of MIRA funds spent for tipping fee stabilization through FY 26 to be reimbursed by state bond funds; caps the total issuance of state bonding for MIRA funds at $13.5 million

§§ 116 & 117 — STATE BUILDING CODE AND FIRE SAFETY CODE AMENDMENTS

Requires the next adopted version of the State Building Code and the Fire Safety Code to include amendments that (1) allow additional residential homes to be served by a single exit stairway and (2) encourage construction of safe three- or four-unit residential buildings under similar requirements for certain one- and two-unit residential buildings; requires those adopting State Building Code amendments to consider Connecticut's housing shortage

§§ 118-123 — CONCENTRATED POVERTY

Creates a pilot program to reduce the levels of concentrated poverty by developing and implementing a 10-year plan for participating "concentrated poverty census tracts;" creates a new office in DECD to oversee the plan's implementation and monitor the state's progress in reducing concentrated poverty; creates a working group to develop a guidance document that sets a framework to be incorporated into the plan; gives the projects in the plan priority for specified state grants and funding programs; renames HPLO census tracts as concentrated poverty census tracts; decreases the number of new FTEs that a business must create and maintain to be eligible for the JobsCT rebate program if at least three of these FTEs live in a concentrated poverty census tract; allows the business to earn an additional rebate amount for each FTE who lives in one of these tracts

§ 124 — USE OF FY 24 STF BALANCE FOR STF DEBT

Deems appropriated a portion of the STF's remaining balance at the end of FY 24 to pay off STF-supported debt

§ 125 — COLLEGE DEGREE REQUIREMENT FOR STATE EMPLOYEES

Prohibits the DAS commissioner from requiring a college degree for a position in the state employee classified service unless it is a bona fide occupational qualification or need

§ 126 — WORKING GROUP TO EXAMINE TAX EXPENDITURES

Creates a nine-member working group to examine the state's statutory tax expenditures to simplify the state tax code and identify those that are redundant, obsolete, duplicative, or inconsistent; requires the group to report by January 1, 2025

§ 127 — JOINT APPOINTMENTS OF MUNICIPAL OFFICIALS

Authorizes COGs or groups of two or more municipalities to make appointments on behalf of municipalities for municipal functions that are subject to a shared services or regional services agreement

§ 128 — HISTORIC HOMES REHABILITATION TAX CREDIT

Restores taxpayers' ability to claim the historic homes rehabilitation tax credit against certain business taxes in the 2024 tax year and all following years; allows all taxpayers to apply credits issued after January 1, 2024, against the unrelated business income tax

§ 129 — REDDING SPECIAL TAXING DISTRICT

Specifies that the town of Redding is exempt from taxes and assessments imposed by a special taxing district located in the town

§ 130 — DECD ARPA REPORTING

Requires DECD to report biweekly to the Appropriations Committee on its use of ARPA funding

§ 131 — BAN ON DELEGATING AUTHORITY TO SCHEDULE THANKSGIVING DAY HIGH SCHOOL FOOTBALL GAMES OR ADOPTING A POLICY PROHIBITING THANKSGIVING DAY GAMES

Bans school boards from delegating authority to schedule football games on Thanksgiving Day to another entity; prohibits school boards from adopting a policy that prohibits Thanksgiving Day football games

§§ 132-136 — AUTOMATED ENFORCEMENT OF NOISE VIOLATIONS

Allows municipalities to use noise cameras to issue citations to vehicles committing municipal vehicle noise violations (i.e., making a noise of 80 decibels or louder, except for sounds made by a horn); requires municipalities seeking to operate cameras to adopt an ordinance and set penalties; specifies citation issuance and processing procedures

§ 137 — ADDITIONAL CORPORATION BUSINESS TAX DEDUCTION FOR CERTAIN COMBINED GROUPS AFFECTED BY COMBINED REPORTING

Allows certain combined groups meeting specified qualifications to deduct, over a 30-year period, the amount necessary to offset the increase in the valuation allowance against NOLs and tax credits in Connecticut that resulted from the state's shift to combined reporting

§ 138 — FINAL CANNABIS CULTIVATOR LICENSE EXTENSION

Allows DCP, until December 31, 2025, to grant a final cultivator license to certain social equity provisional cultivator license holders who have not met the minimum grow space requirement, under certain circumstances; after that date, requires the licensee to pay a $500 extension fee for each day it fails to satisfy the minimum grow space requirement

§§ 139 & 140 — SOCIAL EQUITY COUNCIL

Expands the Social Equity Council membership; requires the council to (1) define its role and what it delegates to its executive director, (2) update the social equity plan criteria, and (3) submit an estimate of certain social equity distributions; requires additional reports from the council and executive director

§§ 141 & 142 — EDUCATIONAL MATERIALS ON INTIMATE PARTNER VIOLENCE TOWARDS EXPECTANT AND POSTPARTUM MOTHERS AND PEOPLE

Amends provisions in PA 24-81 that require DPH to develop educational materials on certain topics, such as intimate partner violence toward pregnant and postpartum people; modifies terminology by replacing "pregnant and postpartum persons" with "expectant and postpartum mothers and persons"

§§ 143 & 144 — ARTIFICIAL INTELLIGENCE EDUCATION TOOL PILOT PROGRAM

Requires SDE to select five school boards for an AI education tool pilot program and provide professional development for educators participating in the program; the boards selected must include at least one rural, one suburban, and one urban district and reflect the racial and ethnic diversity of the state

§ 145 — MODEL DIGITAL CITIZENSHIP CURRICULUM

Requires SDE to develop a model digital citizenship curriculum for grades kindergarten to 12

§ 146 — HOSPITAL FINANCIAL REPORTING TO OHS

Requires hospitals to report certain financial information to OHS semi-annually, starting by October 31, 2024; authorizes OHS to take specific actions when hospitals meet certain financial thresholds

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

Increases, by $110 million, the required transfer of FY 24 General Fund revenue to FY 25

§§ 148-150 — CARRYFORWARD OF CERTAIN CANNABIS-RELATED APPROPRIATIONS

Carries forward certain funds appropriated to OPM for costs associated with cannabis legalization and requires them to be used in FY 25 for certain studies and community action agencies

§ 151 — PRIORITY LIST GRANT COMMITMENTS

Authorizes 11 school construction state grant commitments totaling $486.4 million toward total estimated project costs of $583.3 million; reauthorizes three projects with an additional state grant commitment of $73.9 million

§§ 152-154 — PRIORITY LIST REQUIREMENTS

Requires that the priority list include additional information about enrollment projections and ineligible costs; allows school boards to redirect a school building project to a public use during the grant amortization period; eliminates requirement that DAS assign school building projects to categories; modifies local authorization requirements and reasons for which DAS may disapprove an application

§§ 155 & 156 — REIMBURSEMENT RATE INCREASES FOR CERTAIN EARLY CHILDHOOD PROJECTS

Increases the reimbursement rate bonus to 15 percentage points for certain elementary and early childhood projects; establishes a new 15-percentage point bonus for buildings used exclusively for early childhood care and education

§ 157 — INCLUSIVE MUNICIPALITY DESIGNATION

Requires school boards seeking a five-percentage point reimbursement rate increase for being in an "inclusive municipality" to give DAS the housing commissioner's written determination that the municipality qualifies for the designation

§ 158 — SCHOOL CONSTRUCTION GRANTS TO ENDOWED ACADEMIES

Eliminates a requirement that an endowed academy's governing board meet specified composition requirements to be eligible for a school construction grant

§§ 159, 161 & 164 — PROGRAM ADMINISTRATION

Replaces certain references to SDE or SBE in the school building project statutes with references to DAS

§ 160 — ENERGY FUNDS AND SCHOOL CONSTRUCTION GRANTS

Excludes certain energy-related funds from the state funds that must be subtracted from the total project cost when calculating a school construction grant

§§ 162 & 163 — PROJECT AUDITS

Modifies certain audit-related and post-project completion deadlines; makes technical changes

§ 163 — CONTRACTING REQUIREMENTS

Makes certain cooperative purchasing contracts a qualified bidder for most project awards; eliminates prohibition on construction managers bidding on project elements; requires that consultant and construction management awards be made from a pool of at least three of the most responsible qualified proposers; requires construction managers to report on ineligible costs and meet quarterly with school boards

§§ 165, 166, 171 & 172 — TECHNICAL AND CONFORMING CHANGES

Removes references to repealed statutes

§ 167 — SINGLE-USER TOILET AND BATHING ROOMS

Prohibits DAS from including new construction projects on the priority list if the project plans do not include single-user toilet and bathing rooms

§ 168 — SCHOOL BUILDING COMMITTEE MEMBERSHIP

Requires that school building committees include the school board chairperson or a designee

§§ 169 & 170 — INDOOR AIR QUALITY GRANTS

Makes endowed academies and state charter schools eligible for grants; delays, from July 1, 2024, to July 1, 2026, the start of the prohibition on DAS awarding a grant to an applicant that is not compliant with the law's HVAC inspection requirement; requires DAS to reconsider previously rejected grant applications in FYs 25 and 26; earmarks up to $15 million of an existing bond authorization for grants to purchase equipment and materials for constructing and installing individual classroom air purifiers

§§ 173-175 — RENEWABLE TARIFF FOR SOLAR IN SCHOOLS

Requires PURA to initiate a docket by January 1, 2025, to establish a program to encourage solar facility and energy storage installation at public schools

§ 176 — SOLAR FEASIBILITY STUDY

Generally requires school boards, before submitting a priority list application, to have a solar feasibility assessment performed for the school building considered in the application

§§ 177-209 — SCHOOL CONSTRUCTION PROJECT EXEMPTIONS, WAIVERS, AND MODIFICATIONS

Exempts school construction projects in 25 towns and one regional school district from statutory and regulatory requirements to allow these projects to, among other things, qualify for state reimbursement grants, receive higher grant reimbursement percentages, or have their projects reauthorized due to a change in scope or cost; also repeals a prior project authorization

§ 210 — REPEALED PROVISIONS

Repeals several obsolete school building project statutes

§ 211 — TECHNICAL CORRECTIONS DURING CODIFICATION

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

§§ 1-15 & 57 — NEW BOND AUTHORIZATIONS FOR STATE AGENCY PROJECTS, GRANTS, AND OTHER PROGRAMS

Authorizes new state GO bonds for FY 25 for various capital improvements, grant programs, and other initiatives

The act authorizes new general obligation (GO) bonds for FY 25 for the state projects, grant programs, and other programs listed in the table below. The bonds are subject to standard issuance procedures and have a maximum term of 20

years.

The act includes a standard provision requiring that, as a condition of bond authorizations for grants to private entities, each granting agency include repayment provisions in its grant contract in case the facility for which the grant is made ceases to be used for the grant purposes within 10 years after the grantee receives it. The required repayment is reduced by 10% for each full year that the facility is used for the grant purpose.

New GO Bond Authorizations for FY 25

§	Agency	Project	Amount
		State Capital Projects	
2(a)	Office of Legislative Management	State Capitol and Legislative Office Building alterations, renovations, and restoration, including interior and exterior restoration and Americans with Disabilities Act (ADA) compliance	$45,000,000
2(b)	Department of Administrative Services	Reimburse environmental remediation at the former Long Lane School in Middletown	14,100,000
		Renovate and improve an opportunity center	1,000,000
2(c)	Department of Labor	Alter, renovate, and improve buildings and grounds, including utilities, mechanical systems, and energy conservation projects	5,000,000
2(d)	Department of Energy and Environmental Protection (DEEP)	Support solid waste reduction strategies	10,000,000
2(e)	Department of Correction	Alter, renovate, and improve the Manson Youth Institution in Cheshire	5,000,000
2(f)	Judicial Department	Acquire and develop a secure residential treatment center	20,000,000
		Grants	
9(a)	Office of Policy and Management (OPM)	Transit-oriented development and predevelopment activities	2,000,000
9(b)	Department of Economic and Community Development (DECD)	Grants to nonprofits sponsoring cultural and historic sites	12,000,000
9(c)	Department of Housing (DOH)	Grants to nonprofits for capital improvements to facilities used to house or serve the homeless (see § 56 below)	15,000,000
9(d)	Department of Aging and Disability Services	Grants for aging in place	1,000,000
		Other Programs	
57	DEEP	Heat pump rebate program under sHB 5004, § 16, of the 2024 session, as amended (This bill was not enacted.)	25,000,000

EFFECTIVE DATE: July 1, 2024

§§ 16-18, 26, 27, 29, 31-51, 65 & 66 — CHANGES TO PRIOR GO BOND AUTHORIZATIONS

Adjusts the amounts and purposes of prior bond authorizations for specified projects and grants

Increased Authorizations

The act increases the amounts for the bond authorizations shown in the table below.

Increases to Prior Authorizations

§	Agency	Purpose	Prior Authorization	New Authorization	Increase
16	OPM	Urban Action bonds (economic and community development project grants); earmarks up to $250,000 for lights at a field used by Little League teams in Cromwell and increases an existing earmark for DECD economic and community development projects by $250,000	$100,000,000 (for FY 25)	$200,000,000 (for FY 25)	$100,000,000
32	Connecticut State Colleges and Universities (CSCU)	Middlesex Community College: renovate and add to Wheaton and Snow classroom buildings	4,800,000	4,921,648	121,648
34	CSCU	Gateway Community College: acquire, design, and construct facilities for workforce development programs, including for transportation, alternative energy, advanced manufacturing, and health sectors	28,800,000	29,808,000	1,008,000
36	CSCU	Asnuntuck Community College: alter, renovate, and make improvements to expand library and student services	3,800,000	5,011,570	1,211,570
38	CSCU	Norwalk Community College: alter, renovate, and make improvements to the B wing building	18,600,000	22,100,000	3,500,000
43	CSCU	Naugatuck Valley Community College: design for Kinney Hall renovation	6,000,000	7,494,240	1,494,240
47	CSCU	Advanced manufacturing and emerging technology programs (see *Changes to Prior Authorizations' Purposes* below)	3,000,000	7,000,000	4,000,000
51	DEEP	Microgrid and resilience grant and loan pilot program	25,000,000	40,000,000	15,000,000

Cancellations and Reductions

The act cancels or reduces all or part of prior bond authorizations for the projects shown in the table below.

Cancellations and Reductions in Prior Authorizations

§	Agency	Purpose	Prior Authorization	Amount Cancelled
17	DOH	Homelessness prevention and response fund	$30,000,000	$10,420,007*
26	Department of Transportation (DOT)	Commercial rail freight grants (see also §§ 25 & 55)	27,500,000	10,000,000
29	CTNext	To recapitalize CTNext's innovation place program (see *Changes to Prior Authorizations' Purposes* below)	64,200,000	44,000,000
41	OPM	Responsible Growth Incentive Fund	2,000,000	2,000,000
48	CSCU	All universities: deferred maintenance, code compliance, and infrastructure improvements	65,200,000	5,000,000
49	CSCU	All community colleges: deferred maintenance, code compliance, and infrastructure improvements	27,600,000	5,000,000

§	Agency	Purpose	Prior Authorization	Amount Cancelled
66	Department of Emergency Services and Public Protection (DESPP)	Local voluntary public safety registration system for residents with intellectual or developmental disabilities	800,000	800,000

*The act also makes a technical correction to this authorization by reducing it by an additional $1,250,000 to reflect reductions made in 2016 and 2017.

Changes to Prior Authorizations' Purposes

The act changes the purposes of several prior bond authorizations, as shown in the table below.

Changes to Prior Authorizations' Purposes

§	Amount Authorized	Prior Purpose	Change
18 & 65	$125,000,000	DEEP: qualifying retrofitting projects in multifamily homes located in environmental justice communities or alliance districts	Allows the funds to be used for financing projects and awarding grants; caps at $20 million the amount DEEP may use for the project grants; eliminates a provision in PA 24-143 that (1) makes these same changes and (2) delays $75 million of the authorization to FY 26
27	15,000,000	Department of Developmental Services: grants for supportive housing for people with intellectual or other developmental disabilities, including autism spectrum disorder	Transfers the authorization to DOH
29	64,200,000 (see *Cancellations and Reductions in Prior Authorizations* above)	To recapitalize CTNext's innovation places program; earmarks (1) $10 million for deposit into the CTNext Fund in FY 24 to cover general operating expenses and (2) $200,000 for an economic feasibility study of certain lands in Trumbull in FY 22	Instead requires that the bonds be used by (1) CTNext for the economic feasibility study and (2) CTNext or DECD (as its successor agency) for the CTNext Fund and its statutory purposes
39	2,000,000	Military Department: acquire property to develop readiness centers in Litchfield County	Eliminates the requirement that this property be in Litchfield County
45	15,000,000	OPM: grants to develop an advanced manufacturing facility in Hartford	Expands the facility's possible location to the Hartford region
44 & 47	7,000,000	CSCU: advanced manufacturing and emerging technology programs	Requires that these include programs at Tunxis Community College

EFFECTIVE DATE: July 1, 2024, except the changes to prior authorizations' purposes (other than those for CTNext and CSCU) and the repeal of provisions in PA 24-143, § 65, are effective upon passage.

§§ 19-24 — UCONN 2000 INFRASTRUCTURE PROGRAM

Extends phase III of the UConn 2000 program by four years and authorizes an additional $625 million in new bonding under the program; requires UConn or the UConn Foundation to raise $100 million of "UConn 2000 philanthropic commitments and gifts" by June 30, 2031; sets cumulative target milestones for this fundraising that apply from FY 25 through FY 31 and ties the annual amount of UConn 2000 bonds that UConn's Board of Trustees may request in these years to the ratio of the actual commitments and gifts received to the target milestones

The act extends phase III of the UConn 2000 program by four years, from FY 27 to FY 31, and authorizes an additional $625 million in new bonding under the program. It also extends, from June 30, 2027, to June 30, 2031, or until completion of the UConn 2000 infrastructure program, UConn's authority to plan, design, acquire, remodel, alter, repair, enlarge, or demolish any real asset or other project on its campuses.

EFFECTIVE DATE: July 1, 2024

Project Authorizations

As the table below shows, the act (1) increases bond authorizations for three existing UConn 2000 projects and expands the scope of two of these projects, and (2) adds one new project. These changes and additions total $613 million in new bond authorizations under the program.

Changes to UConn 2000 Project Authorizations (in Millions)

Project	*Prior Authorization*	*New Authorization*	*Change*
Deferred maintenance; code compliance; ADA compliance; infrastructure improvements; renovation lump sum; and utility, administrative, and support facilities	$805	$863.5	$58.5
Gant Building Renovations; adds a new life sciences building	34	403.5	369.5
Harry A. Gampel Pavilion and Hugh S. Greer Field House (new)	-	160	160
Torrey Life Science Renovation; adds demolition	-	25	25

Aggregate and Annual Bond Limits for UConn 2000

The act increases the program's aggregate bond cap by $625 million to (1) account for the additional $613 million in newly authorized or expanded projects and (2) add back a $12 million reduction made under PA 23-1, § 6. It also adjusts the annual bond limits for the program for FY 25 through FY 27 and adds new limits for FYs 28-31, as shown in the table below.

Annual Bond Limits for UConn 2000 (in Millions)

FY	*Prior Limit*	*New Limit*	*Change*
25	$44	$122	$78
26	14	124	110
27	9	116	107
28	-	103.5	103.5
29	-	101.5	101.5
30	-	100.0	100.0
31	-	25	25

Philanthropic Commitments and Gifts

The act requires UConn or the UConn Foundation to raise $100 million of "UConn 2000 philanthropic commitments and gifts" by June 30, 2031, including at least (1) $10 million of endowed gifts and (2) $60 million designated for construction or renovation expenses. Under the act, "UConn 2000 philanthropic commitments and gifts" are those received by the university or foundation that are designated to support specified construction or renovation projects or operating expenses associated with the departments or programs housed in them. They cannot include more than $20 million of commitments and gifts made before July 1, 2024. These specified projects are the following:

1. a new life sciences building to replace the George Stafford Torrey Life Sciences Building,
2. the north wing of the Edward V. Gant Science Complex,
3. the Harry A. Gampel Pavilion,
4. the Hugh S. Greer Field House,
5. the volleyball center,
6. the boathouse, or
7. the tennis courts.

Target Milestones. The act sets cumulative target milestones for these UConn 2000 philanthropic commitments and

gifts that apply from FY 25 through FY 31, as shown in the table below.

Target Milestones for UConn 2000 Philanthropic Commitments and Gifts

Cumulative Target Milestone (millions)	*Specified Period to Achieve the Target Milestone*	*FY*
$20	FY 23 to FY 24	25
31.5	FY 23 to FY 25	26
43	FY 23 to FY 26	27
54.5	FY 23 to FY 27	28
66	FY 23 to FY 28	29
77.5	FY 23 to FY 29	30
89	FY 23 to FY 30	31
100	FY 23 to FY 31	32

Annual Bond Limits. For FY 25 through FY 31, if the cumulative amount of funds raised during a specified period is less than the target for that period, the total amount of UConn 2000 bonds that UConn's Board of Trustees may request to issue for these years must be reduced according to the act's calculation. Specifically, the limit for these years cannot exceed the amount calculated by (1) adding the annual bond limit that applies for each year from FY 25 to the then-current fiscal year, and (2) multiplying this amount by the ratio of the actual funds received to the target milestone for the current fiscal year.

Reporting Requirement. Additionally, the act requires UConn, by September 1, 2024, and annually after, to report to the Higher Education and Employment Advancement and Finance, Revenue and Bonding committees on the total amount of philanthropic commitments and gifts, including for UConn 2000, it received during the prior fiscal year.

UConn 2000 Reports

The act authorizes the Finance, Revenue and Bonding Committee to require UConn to appear before the committee to present and comment on any of its UConn 2000 reports to the General Assembly. By law, UConn is required to report to certain legislative committees and the governor twice a year on the program.

§ 25 — COMMERCIAL RAIL FREIGHT LINE COMPETITIVE GRANT PROGRAM

Allows the state to issue STO bonds for DOT's commercial rail freight line competitive grant program

The act allows the state to issue special tax obligation (STO) bonds for DOT's commercial rail freight line competitive grant program, which was previously funded by GO bonds (see § 26). This program awards competitive grants for improvements and repairs to, and modernization of, existing rail, rail beds, and related facilities.
EFFECTIVE DATE: July 1, 2024

§ 28 — NONPROFIT SECURITY INFRASTRUCTURE COMPETITIVE GRANT PROGRAM

Allows eligible nonprofits applying to the nonprofit security infrastructure competitive grant program to also apply for a federal grant as long as they do not receive both grants for the same project

By law, DESPP administers a competitive grant program to reimburse eligible nonprofits for security infrastructure improvements. The act specifies that this law does not prohibit eligible nonprofits from applying for a federal grant in addition to the state grant, as long as the organization does not receive both for the same project.
EFFECTIVE DATE: July 1, 2024

§ 30 — MANUFACTURING ASSISTANCE ACT

Earmarks up to $20 million in previously authorized MAA bonds for funding opportunity zone investments through an impact investment firm

The act allows previously authorized Manufacturing Assistance Act (MAA) bonds to be used to fund up to $20 million in investments in federally designated opportunity zones through an impact investment firm, including funding from the MAA's Economic Assistance Revolving Fund with the governor's approval. By law, the DECD commissioner can provide financial assistance under the MAA program (e.g., grants, credit extensions, loans, and loan guarantees) from this fund.
EFFECTIVE DATE: Upon passage

§§ 52-55 — NEW STO BOND AUTHORIZATION AND CHANGES TO PRIOR AUTHORIZATIONS

Authorizes new STO bonds for specified transportation projects

The act authorizes $10 million in new STO bonds for FY 25 for DOT's commercial rail freight line competitive grant program (§ 55). It also increases two existing STO bond authorizations, and modifies one of their purposes, as shown in the table below.

Increases and Changes to Prior STO Bond Authorizations

§	Purpose	Prior Authorization	New Authorization	Increase
53	Environmental compliance, soil and groundwater remediation, hazardous material abatement, demolition, salt shed construction and renovation, storage tank replacement, and environmental emergency response at or near state-owned properties or related to DOT operations, which the act requires to include providing a grant to UConn's Department of Natural Resources and the Environment for the carbon sequestration study required under the act (see § 63 below)	$17,065,000	$18,665,000	$1,600,000
54	Fix-it-First bridge repair program	62,250,000	162,250,000	100,000,000

EFFECTIVE DATE: July 1, 2024

§ 56 — CAPITAL IMPROVEMENT GRANTS TO NONPROFIT FACILITIES SERVING HOMELESS INDIVIDUALS

Requires DOH to administer a capital grant program for nonprofits that own and operate facilities used to house or serve homeless individuals

The act requires DOH to administer a capital improvement grant program for nonprofits that own and operate facilities used to house or serve homeless individuals (e.g., shelters, day shelters, homeless hubs, and other facilities). Under the act, these improvements may include renovation, rehabilitation, architectural, engineering, and related costs. They exclude land or building acquisitions, demolitions, and purchases and capital improvements to permanent supportive housing. DOH must administer this program for each fiscal year in which funding is available (§ 9(c) authorizes $15 million in GO bonds for the program).

By October 1, 2024, DOH must set the program's eligibility criteria, application forms, and deadlines, and conspicuously post these on its website, along with a description of the program. By January 1, 2026, and annually after, it must report to the Housing and Finance, Revenue and Bonding committees on the program. The report must include, for the preceding year, (1) how many applications it received and grants it awarded and (2) a list of grant recipients and award amounts.
EFFECTIVE DATE: July 1, 2024

§§ 58 & 59 — LOW INTEREST LOAN PROGRAM FOR CLIMATE RESILIENCY PROJECTS

Requires the DEEP commissioner to set up a low interest loan program for municipalities and private entities for climate resiliency projects funded through a new Climate Resiliency Revolving Loan Fund and authorizes up to $10 million in state GO bonds to capitalize the fund; requires DEEP to report annually to the Environment Committee on the program

Low Interest Loans for Climate Resiliency Projects

The act requires the DEEP commissioner to set up a program to provide low interest loans to municipalities and private entities for infrastructure repairs and resiliency projects in response to unplanned climate events (other than rehousing or temporary assistance costs), funded through a new Climate Resiliency Revolving Loan Fund. It authorizes up to $10 million in state GO bonds to capitalize this fund.

The DEEP commissioner must develop the program's eligibility criteria and application forms. The commissioner, or a program administrator she selects, must begin accepting loan applications on October 1, 2024. Additionally, the commissioner must report to the Environment Committee annually, starting by January 1, 2025, on (1) the program's status, including the number of loans issued and their individual and total amounts, and (2) any recommendations for related legislation.

Climate Resiliency Revolving Loan Fund

The act creates the Climate Resiliency Revolving Loan Fund and allows it to be funded by proceeds from the act's $10 million bond authorization, any other funds available to the DEEP commissioner, or from other sources. The fund must be used to make low-interest loans and pay the reasonable and necessary expenses to administer them. The act allows the commissioner to contract with nonprofits to administer the fund, but she must approve any loan made from it.

Under the act, investment earnings credited to the fund become part of the fund's assets, and any balance remaining at the end of any fiscal year is carried forward to the next year. Principal and interest payments on low-interest loans under the program must be paid to the state treasurer for deposit into the fund.

EFFECTIVE DATE: July 1, 2024

§§ 60 & 61 — DRONE GRANT PROGRAM

Requires DESPP to (1) administer a grant program, within available resources, for municipalities to purchase drones, accessories, or both, and authorizes up to $3 million in state GO bonds for the program; (2) develop and post certain information (e.g., technical standards and application criteria); and (3) report to the Public Safety and Security Committee certain program statistics from the previous year

The act requires DESPP, within available resources, to administer a municipal grant program for buying unmanned aircraft (i.e., drones) and accessories and authorizes up to $3 million in state GO bonds for the program. The grants may be for up to 33% of the drone's or accessories' purchase cost. If state or federal law prohibits buying a specific drone based on the country where it was manufactured, a municipality may not use a grant to purchase the drone.

Under the act, an "unmanned aircraft" is a powered aircraft that (1) uses aerodynamic forces to provide vertical lift, (2) is operated remotely by a pilot in command or capable of autonomous flight, (3) does not carry a human operator, and (4) can be expendable or recoverable. "Accessories" are devices associated with these drones, including cameras with night vision, thermal or infrared capabilities, and other devices needed to operate the drone to fulfill its public safety mission.

By January 1, 2025, DESPP must (1) develop technical standards for drones and accessories eligible for the grants, and the program's eligibility criteria, application forms, and deadlines and (2) conspicuously post these on its website, along with a program description.

The act also requires DESPP, by January 1, 2026, and in each year in which grants are issued, to report to the Public Safety and Security Committee. The report must include information for the preceding calendar year on the number of grant applications received, the number of grants awarded, and a list of the municipalities that received grants.

EFFECTIVE DATE: July 1, 2024

§ 62 — DOH REPORT ON BOND-FUNDED HOUSING PROGRAMS

Requires DOH to report twice yearly to the Finance, Revenue and Bonding Committee on specified bond-funded programs

Starting by September 1, 2024, and until September 1, 2026, the act requires DOH to report biannually to the Finance, Revenue and Bonding Committee specified information on bond funds the department received for (1) the Housing Trust Fund and (2) housing development and rehabilitation under the FY 24-25 bond act or any similar public act. Specifically, DOH must report the following for the prior fiscal year and six months:

1. the specific programs for which it used these bond funds and amount from each authorization used for each specific program,
2. its activities addressing supportive housing under these programs and how much of each authorization it used for these activities, and
3. the amount from each authorization it gave to the Connecticut Housing Finance Authority to administer housing-related programs.

EFFECTIVE DATE: July 1, 2024

§ 63 — DOT GRANT TO UCONN'S DEPARTMENT OF NATURAL RESOURCES AND THE ENVIRONMENT

Requires DOT to award a grant to UConn's Department of Natural Resources and the Environment to study carbon sequestration by trees and other vegetation

The act requires DOT to give a grant from available resources (see § 53) to UConn's Department of Natural Resources and the Environment to study carbon sequestration by trees and other vegetation along roads and other areas in the state. The department must submit, to the Transportation and Environment committees, an interim report by January 1, 2025, and final report with its findings and recommendations by July 1, 2025. It must also present either or both of these reports at a joint hearing held by these committees.

EFFECTIVE DATE: July 1, 2024

§ 64 — HOUSING ENVIRONMENTAL IMPROVEMENT LOAN AND GRANT FUND AND RETROFIT PILOT PROGRAM

Expands DEEP's multi-family housing retrofit pilot program by, among other things, allowing the department to (1) offer grants from the program in addition to loans and (2) contract with quasi-public agencies to administer the fund that finances the program; delays the program's implementation date by one year

Grant Funding

Existing law requires DEEP, in collaboration with DOH, to start one or more pilot programs that provide financing for qualifying retrofit projects in multi-family homes located in environmental justice communities or alliance districts (e.g., energy efficiency projects or projects to address health concerns). This financing is funded through the Housing Environmental Improvement Revolving Loan Fund, with $125 million in GO bonds authorized to capitalize the fund (see § 18).

The act allows DEEP to also provide grants under the program and correspondingly renames the fund as the "Housing Environmental Improvement Revolving Loan and Grant Fund." It also allows DEEP to enter into contracts with quasi-public agencies to administer the fund, in addition to nonprofits as existing law allows.

Implementation Date

The act delays, by one year, the date DEEP must start accepting applications for the program (from July 1, 2024, to July 1, 2025) and correspondingly delays:

1. DEEP's reporting deadline to the Housing Committee from October 1, 2027, to October 1, 2028; and
2. the pilot program's termination date from September 30, 2028, to September 30, 2029.

Eligibility

Under prior law, to be eligible for pilot program financing, a dwelling unit had to be occupied by a tenant or occupied within 180 days after DEEP awarded the owner financing. Owners had to repay DEEP all the funds received under the program if this timeframe was not met. Additionally, units could not be owner-occupied. The act eliminates these conditions and instead extends eligibility to owners of residential dwelling units as defined in state law.

Lastly, the act expands the definition of "low-income resident" applicable to the program or programs to also include any other definition of this term used in state programs using federal funding, as the DEEP commissioner determines. As under existing law, low-income residents are also households with an income of no more than 60% of the state median income or 80% of the federally determined area median income adjusted for family size. By law, DEEP must prioritize financing for projects benefitting current or prospective low-income residents.

EFFECTIVE DATE: October 1, 2024

Background — Related Act

PA 24-143, § 19, makes identical changes.

§ 67 — INSURANCE PREMIUMS TAX REAUDITS AND REASSESSMENTS

Authorizes the DRS commissioner to reaudit insurance premiums tax returns and impose more than one deficiency assessment, subject to the same requirements that apply to audits and assessments under existing law

The act authorizes the Department of Revenue Services (DRS) commissioner to reaudit (i.e., reexamine) insurance premiums tax returns and impose more than one deficiency assessment (i.e., reassessment) for a tax period. It subjects these reexaminations and reassessments to the same requirements that apply to examinations and assessments under existing law, including interest, penalty, notice, and statute of limitations provisions. By law, with certain exceptions, the DRS commissioner generally has three years from the tax return's due date or receipt to examine the return and make a deficiency assessment. The same limitation applies to reexaminations and reassessments under the act.

EFFECTIVE DATE: Upon passage

§ 68 — INITIAL FIVE-YEAR INSURANCE PREMIUMS TAX RETURNS FOR NONRESIDENT AND FOREIGN COMPANIES

Extends, from 45 days after being initially licensed to do business in Connecticut to 90 days after this date, the deadline for newly licensed nonresident- and foreign-licensed insurance companies to file their initial five-year return to DRS and pay the tax due

The act extends, from 45 days after being initially licensed to do business in Connecticut to 90 days after this date, the deadline for newly licensed nonresident- and foreign-licensed insurance companies to file their initial five-year return with DRS and pay the tax due. By law, these companies must pay state insurance premiums tax on the net direct premiums they received in the five preceding calendar years from policies written on property or risks located in the state (except ocean marine insurance).

EFFECTIVE DATE: Upon passage

§ 69 — INCOME TAX WITHHOLDING FOR RETIREMENT INCOME DISTRIBUTIONS

Generally allows, rather than requires, income tax withholding for certain retirement income distributions and changes the methods for determining the amount of tax withheld from these distributions

The act allows, rather than requires, income tax withholding for certain retirement income distributions and changes the methods for determining the amount of tax withheld from these distributions.

Under prior law, payers that have an office in Connecticut or do business here and make distributions from pensions, annuities, or other specified sources had to withhold income tax when making taxable payments to Connecticut residents. (These other sources include a profit-sharing plan, stock bonus, deferred compensation plan, individual retirement arrangement, endowment, or life insurance contract.)

The act instead requires payers to withhold tax from these distributions only if the payee requests it, unless they are

"lump sum distributions." The act also expands the scope of "lump sum distributions" to include any distribution greater than $5,000 or more than 50% of the payee's entire account balance, whichever is less, excluding any other tax withholding and any administrative charges and fees. The act retains the mandatory withholding requirement and existing exceptions for lump sum distributions.

EFFECTIVE DATE: January 1, 2025, and applicable to tax years starting on or after that date.

Distributions Other Than Lump Sum Distributions

Under the act, for distributions that are not lump sum distributions, the payee's request for tax to be withheld and the determination of the withheld amount must be made according to DRS regulations for pension payments and annuity distributions (see *Background — DRS Regulations on Tax Withholding for Pension Payments and Annuity Distributions*).

This requirement applies instead of the prior one that payers deduct and withhold from these distributions, as far as practicable, an amount substantially equal to the tax reasonably estimated to be due from the payee for those distributions during the calendar year. Under prior law, the method of determining the withheld amount was according to instructions the DRS commissioner provided, except as described below for distributions of a payee's entire account balance.

Lump Sum Distributions

Under the act, if a payee does not ask for an amount withheld from a lump sum distribution, the payer must withhold from the taxable portion at the highest marginal rate. Prior law required payers to withhold at the highest marginal rate only for any payments of a payee's entire retirement account balance, excluding any other tax withholding and administrative charges and fees (i.e., "lump sum distributions" as defined under prior law).

As under existing law, a lump sum distribution is exempt from withholding if (1) any portion of it was previously taxed, (2) it is a rollover trustee-to-trustee transfer, or (3) it is a direct rollover by a check made payable to another qualified account.

Background — DRS Regulations on Tax Withholding for Pension Payments and Annuity Distributions

DRS regulations require any payer of pensions and annuities that has an office in Connecticut or does business here to withhold state income tax from pension or annuity payments that are distributed to a state resident if the resident requests it.

Under the regulations, payers must give resident individuals who receive these payments a Form CT-W4P (Withholding Certificate for Pension or Annuity Payments), and payees must use this form to request the withholding. Their request to deduct and withhold state income tax must be made in a specific whole dollar amount of at least $10 per payment (Conn. Agencies Regs., § 12-705(b)-3).

§ 70 — LOCAL OPTION PROPERTY TAX EXEMPTIONS FOR FARM MACHINERY AND BUILDINGS

Increases the cap on the local option property tax exemption for (1) farm machinery, from $100,000 to $250,000 in assessed value and (2) certain farm buildings from $100,000 to $500,000 in assessed value

The act increases the cap on the local option farm machinery property tax exemption from $100,000 to $250,000 in assessed value. A municipality may adopt the exemption, by vote of its legislative body, in any amount up to the cap. By law, this exemption applies in addition to the $100,000 state-mandated exemption.

The act also increases, from $100,000 to $500,000 in assessed value, the cap on the local option property tax exemption for each building actively and exclusively used in farming or used as housing for the farmer's seasonal employees.

EFFECTIVE DATE: Upon passage

§ 71 — LOCAL OPTION HOMESTEAD EXEMPTION

Allows municipalities to provide a partial property tax exemption for certain owner-occupied primary residences

The act allows municipalities, by vote of their legislative bodies (or board of selectmen if the legislative body is a town meeting), to provide a partial property tax exemption for certain owner-occupied primary residences. Specifically, it allows them to exempt between 5% and 35% of the assessed value of owner-occupied single-family homes and duplexes (including condominiums and common interest community units).

EFFECTIVE DATE: Upon passage

§§ 72-79 — PROPERTY TAX EXEMPTION FILING DEADLINES

Allows taxpayers in seven municipalities to claim certain property tax exemptions even though they missed the filing deadline to claim the exemption or provide required documentation, as applicable

The act allows taxpayers in seven municipalities to claim certain property tax exemptions for the property and grand lists shown in the table below, even though they missed the filing deadline to claim the exemption or provide required documentation, as applicable. It does so by waiving the deadline if the taxpayer files for the exemption by July 31, 2024, and pays the statutory late filing fee. The tax assessor must confirm that he or she received the fee, verify the property's eligibility for the exemption, and subsequently approve the exemption. The municipality must refund any taxes, interest, or penalties paid on the property as if the claim was timely filed.

Exemption Deadline Waivers

Municipality	*Grand List*	*Exemption*
Litchfield	2023	Machinery and equipment used for manufacturing, biotechnology, and recycling (CGS § 12-81(76))
Thomaston	2022	
West Haven	2023	
Manchester	2021	Property leased to charitable, religious, or nonprofit organizations (CGS § 12-81(58))
Middletown	2021 and 2022	Property held for cemetery use (CGS § 12-81(11))
Waterbury	2022	
Meriden	2021 and 2022	Property owned by, or held in trust for, any corporation organized exclusively for scientific, educational, literary, historical, or charitable purposes and used exclusively for those purposes or preserving open space land (CGS § 12-81(7))
Waterbury	2021	

EFFECTIVE DATE: July 1, 2024

§§ 80 & 81 — REVALUATION DELAY FOR STRATFORD AND DERBY

Allows Stratford and Derby, with each legislative body's approval, to delay a revaluation scheduled for 2024 to the 2025 assessment year

The act allows Stratford and Derby, with approval from their legislative bodies, to delay a revaluation scheduled for 2024 until the 2025 assessment year. If the town opts to do so, it must implement its next revaluation according to the schedule it was following before the delay. The act allows the person or entity authorized by law to prepare tax bills in these towns to prepare new bills based on the delayed revaluation.

EFFECTIVE DATE: Upon passage

§§ 82-90 — MUNICIPAL EMPLOYEE RETIREMENT COMMISSION AND MUNICIPAL DEFINED CONTRIBUTION PLAN

Creates the Municipal Employees Retirement Commission and, starting January 1, 2025, transfers responsibility for MERS and the Policemen and Firemen Survivors' Benefit Fund from SERC to the new commission; requires the state comptroller to create a municipal defined contribution retirement plan on or after July 1, 2025, and set how municipalities may adopt the plan

The act makes several changes affecting the administration of public employee retirement plans. Principally, it creates the Municipal Employees Retirement Commission ("commission") and, starting January 1, 2025, transfers responsibility for the municipal employees retirement system (MERS) and the Policemen and Firemen Survivors' Benefit Fund ("benefit

fund") from the State Employees Retirement Commission (SERC) to the new commission. It also makes the new commission, rather than SERC, the state's agent for all matters related to the federal Social Security Old Age and Survivors Insurance System (i.e., "Social Security") and the municipalities covered by it.

Under the act, the commission consists of 13 members: 11 appointed trustees and two ex-officio, nonvoting members (the state treasurer and comptroller). Eight of the appointed trustees represent either employer or employee interests. The governor must make most appointments, with advice and consent from different organizations, depending on the appointment.

Broadly, the act gives the new commission powers and responsibilities over MERS and the benefit fund and imposes related requirements similar to those that previously applied to SERC. It also requires the comptroller and treasurer to provide support to the commission, MERS, and the benefit fund in ways similar to what prior law required.

The act also allows a MERS retiree who returns to work for a municipality that does not participate in MERS to participate in and receive credit in that municipality's retirement system. (Under prior law, MERS retirees who returned to work could participate in and receive credit in the state employee retirement system, but not in that of a nonparticipating municipality.)

Separately, the act requires the comptroller to create and administer a municipal defined contribution retirement plan (e.g., 401(k)), which any municipality may join.

Lastly, it makes technical and conforming changes, including repealing an obsolete study requirement (§ 90).

EFFECTIVE DATE: Upon passage, except that the (1) provision creating the commission is effective July 1, 2024, and (2) provisions transferring authority from SERC to the commission are effective January 1, 2025.

Municipal Employees Retirement Commission Structure

Under the act, the Municipal Employees Retirement Commission constitutes a successor commission to SERC for administering MERS and the benefit fund.

Relationship to Comptroller. The act places the commission within the Retirement Services Division of the comptroller's office for administrative purposes only. It requires the comptroller's office to include in its budget, as a separate part, any budgetary request from the commission exactly as the commission submitted it.

The comptroller must serve as the commission's secretary and provide secretarial support to the commission. The Retirement Services Division must (1) perform record keeping, reporting, and related administrative and clerical functions for the commission, as the comptroller deems necessary; (2) distribute, for the commission, any required notices, rules, or orders that the commission adopts, amends, or repeals; and (3) provide staff under existing law (which generally allows the new commission to hire its own staff if the legislature provides or authorizes funds for it).

Membership. Under the act, the commission consists of 13 members. The state comptroller and treasurer (or their designees) are non-voting, ex-officio members and the comptroller must preside at the commission's meetings. The remaining 11 are appointed trustees, of which four must represent municipal employees, four must represent municipal employers, two must be experts with relevant experience, and one must be a neutral party. The neutral trustee serves as the commission's chairperson and votes only if there is a tie.

The act establishes qualifications for each appointed trustee, names the appointing authority (in most cases, the governor), and specifies the selection process as shown in the table below.

Appointed Trustees

Trustee Type	*Qualification*	*Appointing Authority*	*Selection Process*
Employee representatives	Municipal public safety employee who is a MERS member or an elected leader of a labor organization representing public safety employees	Governor	Selected from a list of four nominees submitted by a federation of in-state labor organizations that represent private and public employees and workers in the building trades
	Municipal employee (non-public safety) who is a MERS member or an elected leader of a labor organization representing	Governor	Selected from a list of four nominees submitted by a federation of in-state labor organizations that represent private and public employees and

Trustee Type	*Qualification*	*Appointing Authority*	*Selection Process*
	municipal employees		workers in the building trades
	Municipal employee (non-public safety) who is a MERS member or an elected leader of a labor organization representing municipal employees	Governor	Selected from a list of four nominees submitted by a federation of in-state labor organizations that represent private and public employees and workers in the building trades
	Retired MERS member	Governor	Selected from a list of four nominees submitted by a federation of in-state labor organizations that represent private and public employees and workers in the building trades
Employer representatives	Municipal employer representative*	Governor	Selected with the advice and consent of an in-state organization representing small towns
	Municipal employer representative*	Governor	Selected with the advice and consent of an in-state organization representing municipalities
	Municipal employer representative*	Governor	Selected with the advice and consent of an in-state organization representing municipalities
	Municipal housing authority representative*	Governor	Selected with the advice and consent of an in-state organization representing in-state housing and redevelopment officials
Experts	Two trustees with expertise and experience in financial management, actuarial science, or pension management	Comptroller	Approved by a simple majority of the trustees appointed to represent employees and employers
Neutral trustee/ chairperson	None specified	Governor	Selected with the advice and consent of the trustees appointed to represent employees and employers

*The act expressly provides that this representative may not be required to represent or be in the active service of a municipality that participates in MERS.

Initial Appointment, Terms, and Vacancies. Under the act, initial appointments to the commission must be made by October 1, 2024. The act sets the trustees' initial terms so that their expiration is staggered. The terms of two employee representatives, two employer representatives, and one expert end on September 30, 2026, and the remaining terms end on September 30, 2028. The appointing authority selects which trustees' terms expire on the earlier date.

After the initial terms expire, subsequent terms are for four years. Appointing authorities must fill any vacancies, with those occurring within the term filled for the remainder of the term.

Fiduciary Responsibilities. The act requires each trustee to act as a fiduciary for MERS and the benefit fund and the members of each. They must perform their duties exclusively (1) in the interest of members, beneficiaries, and contingent annuitants of MERS and the benefit fund and (2) to provide benefits to these individuals and defray reasonable administrative expenses.

Within 10 days after appointment, each trustee must take an oath of office that he or she will diligently and honestly administer MERS and the benefit fund and will not knowingly violate any applicable laws or allow them to be violated.

The act requires the comptroller to establish an orientation program and fiduciary training for new trustees. Each trustee

must complete the program and training within 30 days after his or her appointment and must annually complete continuing education hours, as the comptroller requires, in financial management, actuarial science, or pension management. The comptroller must publish the activities and courses he deems acceptable for meeting the continuing education requirement.

Compensation. Trustees are not paid for their service, but the act requires them to be reimbursed for necessary expenses they incur when performing their duties within the limits of available funds.

Conducting Business. Under the act, a majority of commission members constitutes a quorum to conduct business, exercise powers, or perform any duties the law authorizes or imposes. The commission must meet at least monthly, and report annually to the governor on its activities as the law requires for all budgeted agencies.

The act allows the commission to hold hearings when it deems them necessary. Any hearings must be governed by rules and regulations the commission adopts, and the commission is not bound by technical rules of evidence.

Legal Counsel. The act also allows the commission to hire a general counsel who serves at the commission's pleasure, has offices in the Retirement Services Division, and performs duties at the commission's direction. The commission may also get additional legal advice and assistance as it deems advisable.

Administration of MERS and the Benefit Fund

Commission Responsibilities. The act applies to the new commission various responsibilities and requirements that previously applied to SERC when administering MERS and the benefit fund. The act expressly gives the commission general supervision of the operation of MERS and the benefit fund and requires that it conduct their business according to existing laws on MERS and the benefit fund. The act requires the commission to act (1) with the care, skill, prudence, and diligence that a prudent person would exercise under similar circumstances and (2) according to strict fiduciary standards and responsibilities, the general statutes, and applicable collective bargaining agreements.

The commission may, by resolution or regulation, allocate fiduciary responsibilities and administrative duties to commission committees or subcommittees. It may also delegate these responsibilities to the Retirement Services Division or to other individuals the commission deems appropriate and necessary, as long as the delegation is consistent with the act's provisions.

The act also allows the commission to adopt any regulations and rules it needs to administer MERS and the benefit fund and carry out related laws. The regulations and rules are binding on all parties dealing with the commission and anyone claiming benefits from MERS or the fund.

Information for Members. Under the act, all municipal retirement plans, descriptions, and reports as well as all legal, financial, and actuarial documents dealing with the general operation of MERS and the benefit fund must be available for inspection and copying by MERS and benefit fund members and their representatives. The members or representatives must pay for any copies, but the cost may not exceed 25 cents per page.

The commission must notify MERS and benefit fund members about any substantial statutory amendment to MERS or the benefit fund within 210 days after it takes effect.

State Treasurer Asset Management. The act specifies that MERS and benefit fund assets must be held in trust by the state treasurer, who must act as a fiduciary for both. The treasurer must manage and control the assets unless the commission or a municipal retirement plan expressly requires otherwise. The treasurer must perform his duties exclusively in the interest of, and to provide benefits to, members, beneficiaries, and contingent annuitants of MERS and the benefit fund. He must diversify the investments of MERS and the benefit fund to minimize the risk of large losses unless it is clearly not prudent to do so under the circumstances.

Under existing law, unchanged by the act, the MERS pension funds and the benefit fund are designated as state trust funds and the treasurer invests their assets under the law's requirements for state trust funds regardless of any other provision in state statutes (CGS §§ 3-13c & 3-13d).

Annual Fiscal Transaction Report. The act establishes an annual reporting requirement for the treasurer similar to the report he must provide for SERC. Starting by December 31, 2025, the treasurer must annually publish and forward to the new commission a consolidated report on the fiscal transactions of MERS and the benefit fund for the prior fiscal year. It must include (1) gain or loss by security category, (2) a reconciliation of assets showing the progression of funds in MERS and the benefit fund from one year to the next, (3) the amount of securities and accumulated cash in MERS and the benefit fund, and (4) the last balance sheet showing the financial condition of MERS and the benefit fund through an actuarial valuation of their assets and liabilities. Assets must be shown at book and market value by type or term of investment. The treasurer may satisfy this reporting requirement by completing the federal form on employee benefit plans (i.e., IRS Form 5500) and submitting it to the commission, as long as the information is sufficient to calculate MERS and benefit fund investment yields on an annual basis.

Social Security

By law, municipal employees are only covered by Social Security if their employing municipality has chosen to participate in the system, and state law explicitly excludes some types of municipal employees (e.g., teachers) from participating (see *Background — Social Security and Municipal Employees*).

The act makes the new commission, rather than SERC, the state's agent authorized to act in all matters related to Social Security and the municipal employees covered by it. In doing so, it makes the new commission, rather than SERC, responsible for doing the following, among other things:

1. approving a municipality's application for membership in the Social Security system,
2. making regulations on how municipalities enter and maintain membership in the system, and
3. supervising certain municipal referendums to determine which municipal positions will participate in the system.

Defined Contribution Plan

On or after July 1, 2025, the act requires the state comptroller to create a municipal defined contribution retirement plan and set how municipalities may adopt it. The new plan must allow municipalities that previously adopted a defined contribution plan to transfer their accounts and assets to the new plan.

The comptroller must serve as the new plan's administrator and may (1) enter into contracts, on the state's behalf, with plan members to defer any portion of their compensation from the adopting municipality; (2) make deposits or payments to the plan, subject to its terms; and (3) contract with a private corporation or institution to provide consolidated billing and other administrative services to the plan. Municipal employers must deduct the required contributions for their employees who are members of the new plan.

Background — Social Security and Municipal Employees

When Congress passed the Social Security Act in 1935, it excluded federal, state, and local government employees from mandatory coverage (42 U.S.C. Ch. 7). The exclusion for state and local public employees was based on constitutional concerns about whether the federal government could impose taxes on state governments. In the early 1950s, Congress amended the law to allow state and local government employees to receive coverage if they voluntarily chose it in a referendum, and state law correspondingly lays out a process for this to occur (CGS §§ 7-452 to 7-459).

§§ 91-109 — MINOR AND TECHNICAL CHANGES TO TAX RELATED STATUTES

Makes minor, technical, and conforming changes to various tax statutes

The act makes minor, technical, and conforming changes to various tax statutes, including:

1. eliminating a provision specifying that notices of assessment of successor liability for cigarette tax become final 60 days after the notice is mailed, unless the successor has requested a hearing (but keeping the 60-day time frame to request a hearing on the assessment);
2. correcting statutory references in provisions on assessment of apartment property, tax credits for employers making student loan payments, and estate settlement in probate court; and
3. repealing statutes that specify when the comptroller must record revenue from certain taxes that have sunset.

EFFECTIVE DATE: October 1, 2024, except the repealed provisions and conforming changes are effective upon passage.

§§ 110 & 111 — YOUTH SPORTS GRANT PROGRAM

Creates a youth sports grant program to give grants to distressed municipalities to support the operating costs of nonprofit youth sports organizations; funds the program with 2% of the state's revenue from sports wagering

The act creates a youth sports grant program to give grants to distressed municipalities to support nonprofit youth sports organizations providing sports programs and activities primarily for distressed municipality residents under age 18 (i.e., "eligible organizations"). It funds the program with 2% of the state's monthly revenue from sports wagering.

Beginning with FY 27, the act allows distressed municipalities to apply to the Office of Policy and Management (OPM) for the grants. Municipalities awarded grants must disburse them to eligible organizations and prioritize sports programs and activities that (1) provide adaptive sports for children and young adults with disabilities or (2) seek to improve outcomes in mental health (by developing social and emotional skills); educational achievement (by increasing attendance and

attainment); or community cohesion (by strengthening cooperation, teamwork, and leadership).

Under the act, eligible organizations must use the grant funds they receive from a distressed municipality for expenses to operate sports programs and activities in the municipality. Qualifying expenses include those for personnel, equipment, insurance, permits, training and facility fees, sports facility renovation, playing field refurbishment, and defraying or eliminating participant registration fees.

The act also establishes an application process and requires municipalities and OPM to report certain information on the grants awarded under the act.

EFFECTIVE DATE: July 1, 2025, except that the provision directing sports wagering revenue to the account is effective October 1, 2024.

Application Process

Beginning with FY 27, OPM must annually notify each distressed municipality's chief executive official about the application period for grants for that fiscal year. Applications may be submitted by any of these officials and must be as OPM prescribes, with enough information for OPM to consider the priority criteria the act establishes. Municipalities must submit a new application each year they wish to apply.

Program Funding

Starting July 1, 2025, the act requires the consumer protection commissioner to deposit 2% of the state's sports wagering revenue each month into the youth sports grant account the act establishes. The account is a separate, nonlapsing account in the General Fund, must contain any money the law requires to be deposited in it, and may accept gifts, grants, and donations. The OPM secretary must spend account funds to provide grants under the act.

Reporting

At the end of the fiscal year in which they received a grant, the act requires distressed municipalities to submit a report to OPM with a summary of each organization that received funds and a description of the sports programs or activities and related expenses for which they used the money.

Starting by January 1, 2029, OPM must biennially report on the program's prior two fiscal years to the Children's; Education; and Finance, Revenue and Bonding committees. The report must include, for each fiscal year, the:

1. amount of sports wagering revenue deposited into the grant account;
2. municipalities that applied for grants, those that were awarded, and the total amount of grants awarded; and
3. summaries from municipalities described above.

§ 112 — NET OPERATING LOSS

Extends, from 20 to 30 income years, the period when corporations may carry forward an NOL deduction for corporation business tax purposes for NOLs incurred in income years starting on or after January 1, 2025

The act extends, from 20 to 30 income years, the period when corporations may carry forward a net operating loss (NOL) deduction for corporation business tax purposes. (NOL is the amount by which a corporation's total allowable deductions exceed its gross income.) The act's extended carry forward period applies to NOLs incurred in income years starting on or after January 1, 2025.

EFFECTIVE DATE: Upon passage

§ 113 — MUNICIPAL APPROVAL OF SOLAR CANOPIES

Amends PA 24-31 to allow, rather than require, municipal planning and zoning commissions to (1) establish a simplified process for applications to build solar canopies and (2) act on land use applications for solar canopies within six months

Among other things, PA 24-31 requires municipal planning commissions, zoning commissions, or combined planning and zoning commissions to (1) amend their zoning regulations to establish a simplified approval process for solar canopy applications and (2) approve or deny land use applications to build solar canopies within six months after the application is filed. The act instead allows, rather than requires, commissions to take these actions.

A "solar canopy" is an outdoor, shade-providing structure that hosts solar panels located above a parking or driving

area, pedestrian walkway, courtyard, canal, or other used surface, installed in a way that maintains the function of the area underneath the structure (e.g., carports).
EFFECTIVE DATE: July 1, 2024

§ 114 — ASSESSMENT APPEALS BROUGHT TO SUPERIOR COURT

Establishes conditions under which certain people who filed a property tax assessment appeal with the Superior Court from July 1, 2022, but before July 1, 2024, and had their appeal dismissed may bring another appeal application to the court

By law, taxpayers aggrieved by a board of assessment appeals' decision may appeal to Superior Court. If the appeal concerns the valuation of real property assessed at $1 million or more, the law requires applicants to file a property appraisal with the court within 120 days after filing the appeal. Under the act, for any application made on or after July 1, 2022, but before July 1, 2024, that was dismissed because the applicant submitted the appraisal to the municipality's assessor rather than the court, the applicant may bring another application to the court if he or she (1) gave notice to the court of submitting the appraisal to the assessor and (2) applies by September 1, 2024.
EFFECTIVE DATE: July 1, 2024

§ 115 — TIPPING FEE STABILIZATION REIMBURSEMENT

Allows up to $6 million of MIRA funds spent for tipping fee stabilization through FY 26 to be reimbursed by state bond funds; caps the total issuance of state bonding for MIRA funds at $13.5 million

Among other things, PA 23-170 created the quasi-public Materials Innovation and Recycling Authority (MIRA) Dissolution Authority as a successor to MIRA and tasked it with things like winding down MIRA's operations and activities. It specified that MIRA's funds were not surplus revenues and required them to be used to support the authority's properties, systems, and facilities.

Through state bonding, the act allows for the reimbursement of up to $6 million of MIRA funds spent through FY 26 to stabilize tipping fees (i.e., fees charged to participating municipalities for waste disposal). The act caps the total issuance of state bonds for MIRA funds at $13.5 million. It also prohibits using any MIRA funds for tipping fee stabilization beginning in FY 27.
EFFECTIVE DATE: Upon passage

§§ 116 & 117 — STATE BUILDING CODE AND FIRE SAFETY CODE AMENDMENTS

Requires the next adopted version of the State Building Code and the Fire Safety Code to include amendments that (1) allow additional residential homes to be served by a single exit stairway and (2) encourage construction of safe three- or four-unit residential buildings under similar requirements for certain one- and two-unit residential buildings; requires those adopting State Building Code amendments to consider Connecticut's housing shortage

The act requires the next adopted version of the State Building Code and the Fire Safety Code to include amendments that (1) allow additional residential homes to be served by a single exit stairway and (2) encourage construction of safe three- and four-unit residential buildings under similar requirements for certain one- and two-unit residential buildings.

The amendments must allow additional residential occupancies to be served safely by a single exit stairway, in such a way as to:

1. be consistent with safe occupancy and egress;
2. consider the experience of Seattle, New York City, and Honolulu in implementing similar provisions;
3. apply to municipalities in which the fire service is sufficient to maintain safe occupancy and egress under the additional occupancies, if appropriate;
4. promote the inclusion of units with three or more bedrooms in building designs to promote construction of family-sized units, especially on smaller lots; and
5. allow additional stories above grade plane to be served by a single exit stairway in buildings with automatic sprinkler systems, under conditions to ensure safe occupancy and egress, which includes additional levels of fire and smoke separation and any needed features to allow firefighters to ascend a stair as occupants descend.

The amendments must also encourage construction of safe three- and four-unit residential buildings, which must:

1. be consistent with safe occupancy and egress, and
2. include three- and four-unit residential buildings in the International Residential Code portion of the State Building Code, or otherwise provide for requirements for these buildings in the International Building Code portion of the State Building Code similar to those for one- and two-unit residential buildings in the same portion of the code, under conditions that ensure safe occupancy and egress.

The act respectively requires the (1) state building inspector and the Codes and Standards Committee to jointly, with the Department of Administrative Services (DAS) commissioner's approval, include these amendments in the next update to the State Building Code and (2) state fire marshal and the Codes and Standards Committee to include the amendments in the next update to the Fire Safety Code.

Additionally, the act requires the state building inspector, Codes and Standards Committee, and DAS commissioner, when adopting State Building Code amendments, to consider that the state's housing shortage compromises the safety of residents who cannot afford a safe home. The amendments must also encourage producing buildings with safe housing that can be built at a reasonable cost.

EFFECTIVE DATE: Upon passage

§§ 118-123 — CONCENTRATED POVERTY

Creates a pilot program to reduce the levels of concentrated poverty by developing and implementing a 10-year plan for participating "concentrated poverty census tracts;" creates a new office in DECD to oversee the plan's implementation and monitor the state's progress in reducing concentrated poverty; creates a working group to develop a guidance document that sets a framework to be incorporated into the plan; gives the projects in the plan priority for specified state grants and funding programs; renames HPLO census tracts as concentrated poverty census tracts; decreases the number of new FTEs that a business must create and maintain to be eligible for the JobsCT rebate program if at least three of these FTEs live in a concentrated poverty census tract; allows the business to earn an additional rebate amount for each FTE who lives in one of these tracts

The act creates a pilot program to reduce the levels of concentrated poverty in the state by developing and implementing a 10-year plan for participating "concentrated poverty census tracts." Under the act, these are census tracts in which at least 30% of the households have incomes below the federal poverty level (FPL) that were identified by OPM under the high poverty-low opportunity (HPLO) program, as of January 1, 2024. The act also declares that the state has concentrated poverty that creates long-term disadvantages for impacted residents.

The act creates a new office within the Department of Economic and Community Development (DECD) to, among other things, oversee the plan's implementation and monitor the state's progress in reducing concentrated poverty. It requires the office to develop a 10-year plan for the participating census tract (or groups of tracts) together with specified state agencies and local officials and the applicable community development corporation (CDC). Among other things, it (1) requires that the plan include a list of possible projects determined to be the most appropriate and effective to eliminate concentrated poverty in the tract or tracts, (2) gives these projects priority for specified state grants, and (3) adds incentives to the JobsCT tax rebate program for hiring individuals residing in concentrated poverty census tracts.

The act requires DECD to report to the legislature on the office's progress in developing and implementing the 10-year plan and, by January 1, 2029, recommend whether to expand the pilot program to all qualifying tracts. It creates a seven-member legislative working group to develop a guidance document that sets a framework that must be incorporated into the plan.

The act also allows the CDCs established by community members to bring a mandamus action against state or municipal officials who do not timely fulfill their requirements or responsibilities under the program or a 10-year plan to compel them to do so.

Lastly, the act (1) renames the HPLO census tracts as "concentrated poverty census tracts" and makes corresponding changes throughout the program's statutory provisions and (2) specifies that these census tracts are based on the poverty level of households, rather than residents (see *Background — HPLO Program and Census Tracts*).

EFFECTIVE DATE: Upon passage

Declaration (§ 118(a))

The act declares that (1) Connecticut has concentrated poverty that impacts residents of affected communities and creates disadvantages across generations by having certain negative effects related to education and employment opportunities, health care access and health outcomes, crime exposure, housing affordability and availability, and wealth-

building and economic mobility and (2) developing and implementing its 10-year plan to eliminate concentrated poverty in the state is needed for the public's benefit.

Office of Neighborhood Investment and Community Engagement (§ 118(b))

The act creates a new Office of Neighborhood Investment and Community Engagement within DECD and requires it to:

1. carry out the act's pilot program,
2. oversee the implementation of the 10-year plan developed under the program,
3. monitor the state's progress in reducing concentrated poverty,
4. coordinate communication between the program's various parties, and
5. distribute information in a timely and efficient way.

Pilot Program (§ 118(c)&(e))

Eligible Census Tracts. Under the act, the pilot program is open to any concentrated poverty census tract or group of tracts ("qualifying tract") in (1) the four municipalities with the greatest number of these tracts (i.e., Bridgeport, Hartford, New Haven, and Waterbury) or (2) any municipality with a qualifying tract that applies to participate in the program. To be eligible, the qualifying tract must also have a certified CDC (see *Background — CDC Certification Process and Grant Eligibility*) established by its community members to help carry out the 10-year plan and the municipality's responsibilities under the program. A qualifying tract's CDC may also apply. The act requires the DECD commissioner to issue a request for proposals for pilot program participation and choose the highest scoring applicant.

10-Year Plan. The act requires the Office of Neighborhood Investment and Community Engagement to develop a 10-year plan for the participating tract or tracts to reduce the levels of concentrated poverty in the area served by the CDC by:

1. reducing the percentage of households living in the tract or tracts with incomes below the FPL to 20% or less and
2. making sustained improvements in community infrastructure and other underlying conditions that prolong concentrated poverty and economic inertia in the tract or tracts.

In developing the plan, the office must consult with DECD's Office of Community Economic Development Assistance (OCEDA), OPM, the Office of Workforce Strategy (OWS), Office of Early Childhood (OEC), State Department of Education, applicable CDCs serving the participating tract or tracts, applicable municipal chief elected officials (CEO), and any other public or private entity the DECD commissioner finds relevant or necessary to achieve these purposes. It must also incorporate in the plan the guidance document developed by the legislative working group described below (see *Working Group to Develop Guidance Document*). The plan must at least include:

1. measurable implementation steps, target dates for completing each step, and the state or local official or agency responsible for doing so;
2. minimum statewide averages for educational metrics (e.g., kindergarten-, college-, and career- readiness and grade level reading and mathematics) to serve as benchmarks for improvements in the tract or tracts; and
3. a list of possible projects, as described below.

The act requires the office to begin overseeing the plan's implementation by January 1, 2026 (the same deadline by which the DECD commissioner must submit the plan to the legislature, as described below).

Projects. The act requires the Office of Neighborhood Investment and Community Engagement, together with the applicable municipal CEO and CDC, to develop a list of possible projects for the participating tract's or tracts' 10-year plan. In doing so, they must (1) determine the types of projects most appropriate and effective for eliminating concentrated poverty in the tract or tracts and (2) consider the project eligibility criteria for the certified CDC grant program, HPLO program, and Community Investment Fund (CIF) 2030 program (see *Background — CIF 2030*).

Under the act, the possible projects include capital projects, workforce development programs, housing development, community and neighborhood improvements, and education initiatives to help residents meet and exceed the educational metrics described above.

Progress and Annual Reports. The act requires the DECD commissioner, by June 1, 2025, to give the Finance, Revenue and Bonding Committee a written progress report on the 10-year plan. He must submit the finished plan to the General Assembly by January 1, 2026.

Starting by February 1, 2027, the commissioner must also annually report on the:

1. Office of Neighborhood Investment and Community Engagement's implementation progress on the 10-year plan,
2. status of any projects that are pending or in progress for the participating tract or tracts, and
3. any other relevant or necessary information.

He must submit these annual reports to the General Assembly, OWS, OEC, and OPM.

Informational Forums. Annually by March 1, from 2027 to 2029, and biennially after that, the Finance, Revenue and Bonding Committee must hold an informational forum for these annual reports. At each forum, the DECD commissioner must present on the report and other state and municipal officials, participating CDCs, and interested parties may provide their comments on the report and pilot program.

Pilot Program Expansion. The DECD commissioner must, by January 1, 2029, submit his recommendation to the Finance, Revenue and Bonding Committee on (1) whether the pilot program should be expanded to all qualifying tracts in the state for which a certified CDC has been established and (2) any additional or alternative criteria to be considered in expanding the program to other economically disadvantaged census tracts that do not qualify as concentrated poverty census tracts. If he recommends expansion to all qualifying tracks with certified CDCs, the commissioner and Office of Neighborhood Investment and Community Engagement must immediately carry it out.

Priority for Certain State Grants and Funding Programs

Under the act, starting on the date DECD submits the 10-year plan to the General Assembly (see above), state agencies must give priority to the projects included in the plan for any grants or funding programs they award or administer for which the projects may be eligible. Additionally, the act gives these projects priority for the following state funding, subject to each program's existing criteria:

1. OCEDA grants for certified CDCs' projects in target areas (§ 120);
2. DECD grants in HPLO census tracts (renamed "concentrated poverty census tracts" by this act) for certain eligible municipal projects (§ 121); and
3. CIF 2030 funding for eligible municipal, CDC, and nonprofit projects in municipalities designated as public investment communities or alliance districts (§ 122).

Right of Action Against State or Municipal Officials (§ 118(f))

Under the act, starting July 1, 2027, if any state or municipal official does not timely fulfill his or her requirements or responsibilities under the pilot program or 10-year plan, a certified CDC created for a concentrated poverty census tract may bring a mandamus action against the official under certain conditions. Specifically, the CDC must (1) have been selected under DECD's RFP process, (2) demonstrate good-faith efforts to effectuate the 10-year plan, and (3) be aggrieved by the official's failure. It must bring the action in the Superior Court for the judicial district where the participating tract or tracts is located. A writ of mandamus is a court order that compels a public official or agency to perform a specific duty.

Working Group to Develop Guidance Document (§ 119)

The act creates a seven-member working group of legislators to develop a guidance document that sets a framework for (1) best practices and any initiatives or actions it believes will mitigate the effects of concentrated poverty and (2) specific metrics to include in the 10-year plan. These metrics must measure improvements in concentrated poverty census tracts in the following areas:

1. education, including early childhood care and education;
2. adult work skills development to reduce unemployment rates in the tracts;
3. infrastructure, including housing development and blight remediation;
4. crime, including gun violence, in the tracts; and
5. any other areas the working group finds necessary or desirable to include to further the act's goals.

The working group must consult with people or entities to inform the guidance document's development, including academics and state and national experts in the areas described above, advocacy organizations, state and quasi-public agencies, and law enforcement representatives.

When the guidance document is approved (see below), the Office of Neighborhood Investment and Community Engagement must incorporate it into the 10-year plan.

Membership. The working group's members include (1) one legislator appointed by each of the six top legislative leaders and (2) one member of the General Assembly's Black and Puerto Rican Caucus, appointed by the caucus's chairperson. The appointing authorities must make their initial appointments by July 6, 2024, and fill any vacancies.

Meetings and Administration. The House speaker and Senate president pro tempore must select the working group's chairpersons from among its members. The chairpersons must schedule and hold the group's first meeting by August 5, 2024. A majority of members constitutes a quorum to conduct business.

The Finance, Revenue and Bonding Committee's administrative staff must serve in this capacity for the working group.

Submission to Legislature. The working group must submit the guidance document by April 1, 2025, to the Finance,

Revenue and Bonding Committee. Within 30 days after this submission, the committee must vote to approve or modify the document. Any modifications must be given to the committee members before the vote. The guidance document is automatically approved if the committee does not vote within this timeframe.

The working group ends when the guidance document (or modified document) is approved.

JobsCT (§ 123)

The act decreases the number of full-time equivalent employees (FTEs) that a business must create and maintain to be eligible for the JobsCT tax rebate program (see *Background — JobsCT*) if at least three of these FTEs live in a concentrated poverty census tract. It also allows the business to earn an additional rebate amount for each FTE who lives in one of these tracts.

Specifically, the act decreases, from 25 to 15, the number of new FTEs that a business must create and maintain to be eligible for the rebate program if at least three of these FTEs live in a concentrated poverty census tract. By law, this lower threshold also applies if at least one of the new FTEs is an individual with intellectual disability.

Starting January 1, 2025, the act also allows businesses to claim an additional rebate for each new FTE who resides in a concentrated poverty census tract. The rebate equals 50% of the state income tax for single filers that these employees would pay on their wages. As with the existing rebate, the act's additional rebate is based on wages paid in the calendar year immediately before the calendar year in which the rebate is being claimed. To qualify, the new FTE must have lived in the concentrated poverty census tract for at least six months of the calendar year on which the rebate is based. The act also allows these additional rebates to exceed the program's rebate cap of $5,000 per new FTE.

Background — HPLO Program and Census Tracts

The law required OPM to compile a list of the census tracts in which at least 30% of the residents have incomes below the FPL according to the most recent five-year U.S. Census Bureau American Community Survey (i.e., HPLO census tracts). The municipalities in which these identified tracts are located and the number of tracts per municipality include the following: Bridgeport (11), Enfield (1), Hartford (19), Mansfield (2), Meriden (3), Middletown (1), New Britain (5), New Haven (10), New London (2), Stamford (1), Waterbury (7), and Windham (2).

The HPLO program (renamed under the act; see above) is a six-year, state bond-funded program designed to fund eligible projects in qualifying census tracts. To qualify for the funding (which has not been issued to date), a project must seek to reduce concentrated poverty and its effects within the qualifying census tract. These projects generally include (1) building, renovating, and rehabilitating mixed-income rental and owner-occupied housing; (2) establishing or improving workforce development programs; and (3) building, renovating, or rehabilitating public infrastructure to support and improve private investment opportunities, quality of life, and public safety.

Background — CDC Certification Process and Grant Eligibility

Existing law allows non-profit organizations meeting certain requirements to become certified CDCs by applying to DECD's OCEDA. By law, the office must 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. DECD has not implemented this office or grant program to date.

Background — CIF 2030

CIF 2030 is a five-year, state bond-funded program for financing qualifying economic and community development projects in eligible municipalities (i.e., those designated as public investment communities or alliance districts). The CIF 2030 board, located within DECD, directs these investments. Eligible municipalities, CDCs, and nonprofits may submit funding proposals for eligible projects to the board.

Background — JobsCT

The JobsCT tax rebate program allows companies in specified industries (e.g., finance, insurance, manufacturing, and bioscience) to earn rebates against the corporation business, pass-through entity, and insurance premiums taxes for reaching certain job creation targets. Under existing law, a business's rebate is based on (1) the number of new FTEs created or maintained, (2) their average wage, and (3) the state income tax that a single filer would pay on this average wage. Generally, it equals 25% of the average state income tax that these employees would pay, multiplied by the number of

employees.

Background — Related Act

PA 24-149, §§ 1 & 2, (1) makes several changes affecting the JobsCT tax rebate program, including modifying how rebates are calculated for businesses employing at least one new FTE who is a person with intellectual disability, and (2) eliminates CIF funding for certain grants proposed by municipalities, CDCs, or nonprofits (i.e., for loans to small businesses).

§ 124 — USE OF FY 24 STF BALANCE FOR STF DEBT

Deems appropriated a portion of the STF's remaining balance at the end of FY 24 to pay off STF-supported debt

The act deems appropriated a portion of the special transportation fund's (STF's) remaining balance at the end of FY 24 to pay off STF-supported debt (i.e., "special tax obligation indebtedness of the state").

Specifically, under the act, if the balance in the STF after the accounts have been closed for FY 24 and any required transfers have been made exceeds 18% of the fund's FY 25 net appropriations, the state treasurer must use the portion of the balance that exceeds the 18% threshold for one or more of the following purposes, as he determines to be in the state's best interest:

1. redeeming any outstanding STF-supported debt prior to maturity (i.e., special tax obligation indebtedness of the state);
2. buying outstanding STF-supported debt in the open market, at prices and under terms and conditions the treasurer determines, to pay off or defease (i.e., zero out) the debt;
3. defeasing outstanding STF-supported debt by irrevocably placing funds in escrow that are dedicated to, and sufficient to satisfy, scheduled principal and interest payments on the debt; or
4. any combination of the above.

The act requires that any method or methods the treasurer selects provide a reduction in projected debt service for FY 25 and each of the following nine fiscal years. For the second fiscal year after the fiscal year in which the balance was used as the act requires, and each of the following seven fiscal years, the amount of the projected debt service reduction must not vary by more than (1) $1 million or (2) 10% of the smallest amount by which projected debt service is reduced for the following seven fiscal years, whichever is greater.

EFFECTIVE DATE: Upon passage

§ 125 — COLLEGE DEGREE REQUIREMENT FOR STATE EMPLOYEES

Prohibits the DAS commissioner from requiring a college degree for a position in the state employee classified service unless it is a bona fide occupational qualification or need

The act prohibits the DAS commissioner from requiring a degree from a higher education institution for a position in the state employee classified service, unless the appointing authority (i.e., hiring official) has notified her that the requirement is a bona fide occupational qualification or need.

In general, positions in the classified service are subject to various civil service exams and other statutory hiring and promotion procedures. By law, the DAS commissioner must, among other things, establish position classes for all state employees in the classified service and maintain a list with each class's (1) title, code, and pay grade; (2) duties and responsibilities; and (3) minimum desirable qualifications (CGS §§ 5-200(l) & 5-206).

EFFECTIVE DATE: October 1, 2024

§ 126 — WORKING GROUP TO EXAMINE TAX EXPENDITURES

Creates a nine-member working group to examine the state's statutory tax expenditures to simplify the state tax code and identify those that are redundant, obsolete, duplicative, or inconsistent; requires the group to report by January 1, 2025

The act creates a nine-member working group to examine the state's statutory tax expenditures to simplify the state tax code and identify those that are redundant, obsolete, duplicative, or inconsistent in language or policy. By law, "tax expenditures" are tax exemptions, exclusions, deductions, or credits that result in less revenue to the state or municipalities than they would otherwise receive.

The working group's members consist of the following officials or their designees: (1) chairpersons and ranking members of the Finance, Revenue and Bonding Committee (whose designees must be committee members); (2) governor; (3) the revenue services (DRS) and DECD commissioners; and (4) two OPM representatives appointed by the governor. The Finance, Revenue and Bonding Committee's chairpersons must serve as the working group's chairpersons and schedule and hold the first meeting by August 5, 2024. The committee's administrative staff must serve in that capacity for the working group.

The working group must report its findings and recommendations for simplifying the state tax code to the Finance, Revenue and Bonding Committee by January 1, 2025. It ends on that date or when it submits the report, whichever is later.
EFFECTIVE DATE: Upon passage

§ 127 — JOINT APPOINTMENTS OF MUNICIPAL OFFICIALS

Authorizes COGs or groups of two or more municipalities to make appointments on behalf of municipalities for municipal functions that are subject to a shared services or regional services agreement

The act authorizes a regional council of governments (COG), or a municipality acting jointly with at least one other municipality, to make any appointment on behalf of a municipality for municipal functions that are subject to a shared services or regional services agreement. The appointments must apply jointly to each municipality that is a party to the agreement and be instead of the municipality's individual appointment. The act authorizes the OPM secretary to adopt regulations to implement this provision.

Under the act, this authority supersedes state and local law, local charters, and home rule ordinances that would prohibit or limit the ability to make these joint appointments, including any provision that does the following:

1. prohibits a municipality from entering into a shared services agreement,
2. requires an appointee to fulfill his or her duties to the exclusion of other employment,
3. requires an appointee to live in a particular municipality, or
4. requires a municipality to make an individual appointment.

Under the act, these municipal functions include planning activities described in laws on (1) local plans of conservation and development, (2) affordable housing plans, and (3) local emergency medical services plans. They also include the administrative and regulatory activities described in laws on:

1. registrars of vital statistics;
2. assessors;
3. municipal parking authorities;
4. fair rent and fair housing commissions;
5. land bank authorities;
6. zoning enforcement officers;
7. tax collectors;
8. municipal animal control officers;
9. town clerks issuing dog licenses and tags;
10. inland wetlands agencies;
11. local building officials and boards of appeal for building code cases; and
12. local fire marshals, fire inspectors, and other fire code inspectors and investigators.

The act's provisions apply to towns, cities, boroughs, consolidated towns and cities and towns and boroughs; fire, sewer, and other special taxing districts; and metropolitan and municipal districts.
EFFECTIVE DATE: July 1, 2024

§ 128 — HISTORIC HOMES REHABILITATION TAX CREDIT

Restores taxpayers' ability to claim the historic homes rehabilitation tax credit against certain business taxes in the 2024 tax year and all following years; allows all taxpayers to apply credits issued after January 1, 2024, against the unrelated business income tax

The act restores taxpayers' ability to apply historic homes rehabilitation tax credits against specified business taxes. By law, DECD issues these credits, subject to certain requirements, to (1) people and nonprofits who own, rehabilitate, and occupy historic homes or (2) businesses that contribute funds for rehabilitating historic homes that are or will be occupied by their owners.

PA 23-204 (§ 357) eliminated taxpayers' ability to claim credits issued on or after January 1, 2024, against specified

state business taxes (i.e., the insurance premiums, corporation business, air carriers, railroad companies, cable and satellite TV companies, and utility companies' taxes). The act instead allows taxpayers to continue claiming these credits against these specified business taxes. As under existing law, credits issued on or after that date may also be claimed against the personal income tax and unrelated business income tax.

The act allows taxpayers applying the credit against any of the business taxes mentioned above to carry forward any unused credits for up to four income years, just as existing law allows for nonprofit corporations claiming the credit against the unrelated business income tax. Under existing law, credits applied against the personal income tax are refundable.
EFFECTIVE DATE: July 1, 2024, and applicable to tax and income years beginning on or after January 1, 2024.

Background — Historic Homes Rehabilitation Tax Credit

Under this program, qualifying property owners (people and nonprofits) may receive a tax credit for 30% of the construction costs they incur in rehabilitating a historic home. To qualify, the historic home must (1) have no more than four units, one of which must be the owner's principal residence for at least five years after rehabilitation is completed, and (2) be (a) listed on the National or State Register of Historic Places or (b) located in a district listed in either register and certified by DECD as contributing to the district's historic character.

To qualify for the credit, the project's construction costs must exceed $15,000. The credit equals 30% of the eligible construction costs but may not exceed $30,000 per dwelling unit (or $50,000 for owners that are nonprofit corporations). DECD may reserve up to $3 million in vouchers for these credits each fiscal year, 70% of which must be for rehabilitating homes in the municipalities designated as "regional centers" in the current state plan of conservation and development.

Background — Related Act

PA 24-109 enacted identical provisions.

§ 129 — REDDING SPECIAL TAXING DISTRICT

Specifies that the town of Redding is exempt from taxes and assessments imposed by a special taxing district located in the town

SA 05-14 authorized Redding to create a special taxing district to clean up and redevelop contaminated property and provide municipal services. This act specifies that Redding and all its real and personal property (including its receipts, revenues, and income) are exempt from any tax or benefit assessments that district (i.e., Georgetown Special Taxing District) imposes. It further specifies that the town is not required to pay any tax, fee, rent, excise, or assessment to the district and additionally makes technical changes.
EFFECTIVE DATE: Upon passage

§ 130 — DECD ARPA REPORTING

Requires DECD to report biweekly to the Appropriations Committee on its use of ARPA funding

The act requires DECD to report biweekly between July 1, 2024, and September 30, 2024, to the Appropriations Committee on the department's use of federal American Rescue Plan Act (ARPA) funding. The report must include (1) the department's funding allotment and the obligation status of these funds and (2) a list of parties with which the department contracts and a description of each contract's terms and status.
EFFECTIVE DATE: Upon passage

§ 131 — BAN ON DELEGATING AUTHORITY TO SCHEDULE THANKSGIVING DAY HIGH SCHOOL FOOTBALL GAMES OR ADOPTING A POLICY PROHIBITING THANKSGIVING DAY GAMES

Bans school boards from delegating authority to schedule football games on Thanksgiving Day to another entity; prohibits school boards from adopting a policy that prohibits Thanksgiving Day football games

The act prohibits local and regional boards of education from delegating the authority to schedule interscholastic football games on Thanksgiving Day to any nonprofit organization or other entity that is responsible for governing interscholastic athletics in Connecticut (see *Background — CIAC*). It also bars them from adopting a policy against, or

prohibition of, scheduling an interscholastic football game on Thanksgiving Day.
EFFECTIVE DATE: July 1, 2024

Background — CIAC

The Connecticut Interscholastic Athletic Conference (CIAC), a private, nonprofit organization, governs interscholastic high school sports, including football, for the vast majority of schools in the state. It regulates interscholastic athletics including setting certain rules for each sport's regular season and tournament schedules (e.g., how many games are allowed per week and per season) and determining player eligibility. Based on its most recent handbook, it does not appear that CIAC specifically sets each school's schedule.

§§ 132-136 — AUTOMATED ENFORCEMENT OF NOISE VIOLATIONS

Allows municipalities to use noise cameras to issue citations to vehicles committing municipal vehicle noise violations (i.e., making a noise of 80 decibels or louder, except for sounds made by a horn); requires municipalities seeking to operate cameras to adopt an ordinance and set penalties; specifies citation issuance and processing procedures

The act allows municipalities to authorize the use of noise cameras (which the act calls "photo noise violation monitoring devices") to enforce vehicle noise violations. To do so, a municipality must adopt an ordinance that (1) establishes a municipal vehicle noise violation (i.e., causing a vehicle to make a sound of 80 decibels or louder, except for sounds made by a vehicle's horn); (2) authorizes using cameras to enforce the ordinance; and (3) meets the act's other specified requirements.

Under the act, a "photo noise violation monitoring device" is one or more mobile or fixed sensors that (1) are installed to work together with noise measuring equipment (e.g., a decibel reader) and (2) automatically produce video, two or more photos or microphotos, or other recorded images of a vehicle that is violating an ordinance adopted under the act.

Municipalities operating noise cameras under the act must issue a written warning for a first violation, a $100 fine for a second violation, and a $250 fine for subsequent violations. They must also adhere to the act's provisions on camera operation, image review and citation issuance, hearings and available defenses, privacy, and data retention.

The act allows municipalities to enter into agreements with vendors to install, operate, and maintain noise cameras, but the vendor's fee may not depend on the number of citations issued or fines paid. A "vendor" is someone who (1) provides camera-related services under an agreement with the municipality; (2) operates, maintains, leases, or licenses noise cameras; or (3) reviews and assembles images the cameras record and forwards them to the municipality. The act specifies that municipalities may use revenue from noise camera ordinance fines to pay for their costs to use the cameras.

Lastly, the act requires municipalities operating noise cameras to annually report certain information to the Finance, Revenue and Bonding Committee.
EFFECTIVE DATE: July 1, 2024

Ordinance Requirements and Other Conditions

Before operating noise cameras, the act requires municipalities to adopt (1) an ordinance establishing a municipal vehicle noise violation and authorizing noise camera use and (2) a citation hearing procedure that meets requirements in existing law. Specifically, the ordinance must:

1. require noise cameras to be operated by a person trained and certified to do so (i.e., a "photo noise violation monitoring device operator");
2. specify that a motor vehicle's owner violates the ordinance if the vehicle makes a noise of 80 decibels or louder (except for noise made by the vehicle's horn);
3. subject vehicle owners to a written warning for a first violation, $100 fine for a second violation, and $250 fine for each subsequent violation;
4. allow for electronic payment of fines and any processing fees (which are capped at $15);
5. require a sworn member of law enforcement or a municipal employee to review and approve the images before a citation is mailed to a vehicle owner; and
6. specify the defenses available to the vehicle owner, which must at least include those outlined in the act (see below).

The act also requires municipalities operating noise cameras to randomize the devices' locations throughout the municipality.

Citation Hearing Procedure. Existing law allows municipalities to establish, by ordinance, a hearing procedure for

citations they issue and to authorize the Superior Court to enforce fines and judgements imposed through the citation hearing procedure. The act requires municipalities issuing citations under a noise camera ordinance to also have this hearing procedure and subjects these citations to the same requirements as other citations heard under this procedure.

Among other things, the law generally requires (1) the municipal chief executive officer to appoint citation hearing officers, (2) municipalities to inform the person to whom a citation was issued about his or her right to contest it at a hearing, (3) the issuing police officer or official to attend the hearing if the violator requests it, and (4) the hearing officer to conduct the hearing in the way and with methods of proof he or she finds fair and appropriate. The law also allows people found liable for a penalty through the citation hearing procedure to appeal to the Superior Court.

Camera Calibration and Operator Training

The act requires noise camera operators to complete training from the camera's manufacturer, or the manufacturer's representative, on the camera's operation. The manufacturer or its representative must issue the operator a signed certificate of completion, which must be admitted as evidence in any municipal citation hearing.

The act also requires municipalities to make sure that cameras they use have an annual calibration check performed at a calibration laboratory. After the check, the laboratory must issue a signed certificate of calibration, which must be kept on file and admitted as evidence in any municipal citation hearing.

Image Review and Ticket Issuance

Under the act, when a noise camera detects and produces images of a vehicle allegedly committing a municipal vehicle noise violation established in an ordinance adopted under the act, a sworn member of law enforcement or a municipal employee must review the images. If this official determines there are reasonable grounds to believe a violation occurred, he or she may issue a citation to the vehicle owner.

The citation must include the following:

1. the motor vehicle owner's name and address,
2. the vehicle's license plate,
3. the violation charged,
4. the camera location and the date and time of the violation,
5. a copy of the recorded images or information on how to view them electronically,
6. a statement or electronically generated affirmation by the official who reviewed the images and determined that the vehicle violated the ordinance,
7. the date of the most recent calibration check and verification that the camera was operating correctly during the alleged violation,
8. the fine amount and how to pay it, and
9. the right to contest the violation and request a hearing.

The act requires citations to be sent by first class mail (1) within 30 days after determining the vehicle owner's identity and (2) to the address on file with the Department of Motor Vehicles (DMV) or, for vehicles registered out-of-state, the official that issued the registration. However, the act makes citations invalid if they are mailed more than 60 days after an alleged violation. Manual or automatic mailing records prepared by the municipality's police department are prima facie evidence of mailing and are admissible in any municipal hearing as to facts the citation contains.

Available Defenses

The act makes the following defenses available to vehicle owners alleged to have violated an ordinance adopted under the act:

1. the driver was operating an emergency vehicle and using a permissible audible warning signal (e.g., siren);
2. the violation happened when the vehicle had been reported as stolen and had not yet been recovered;
3. the camera did not have a calibration check as the act requires;
4. the violation happened because the muffler was not working properly, and the owner presents proof at a hearing that the muffler was replaced or repaired within 14 days after the violation; and
5. the vehicle owner presents proof at a hearing that the vehicle was inspected at a DMV-designated facility and the inspection determined that the vehicle does not make a sound of 80 decibels or louder while operating.

Privacy and Data Retention

Under the act, cameras must be installed, to the extent possible, so that they only record license plates' images and do not capture images of vehicle occupants or anyone else in the vicinity.

The act generally prohibits municipalities and vendors from storing or retaining personally identifiable information or from disclosing it to any person or entity, including any law enforcement unit. But they may do so if the storage, retention, or disclosure is done to charge, collect, and enforce fines imposed under an ordinance.

The act also specifies that any information and other data the camera gathers is subject to disclosure under the Freedom of Information Act, except for personally identifiable information.

Under the act, "personally identifiable information" is information a municipality or vendor creates or maintains that identifies or describes a vehicle owner and includes the owner's address; phone number; license plate; photo; bank account information; credit card or debit card number; and the date, time, location, or direction of travel on a highway.

Annual Report

The act requires municipalities operating noise cameras to annually report the following information to the Finance, Revenue and Bonding Committee, beginning one year after a noise camera starts operating in a municipality and until it is no longer operational:

1. the total number of violations detected by each camera on a daily, weekly, and monthly basis;
2. the total number of warnings and citations issued for violations recorded by these devices;
3. the number of hearings requested and their results;
4. the amount of fines and processing fees the municipality retained; and
5. the municipality's costs for the cameras.

§ 137 — ADDITIONAL CORPORATION BUSINESS TAX DEDUCTION FOR CERTAIN COMBINED GROUPS AFFECTED BY COMBINED REPORTING

Allows certain combined groups meeting specified qualifications to deduct, over a 30-year period, the amount necessary to offset the increase in the valuation allowance against NOLs and tax credits in Connecticut that resulted from the state's shift to combined reporting

For a 30-year period beginning with the 2026 income year, the act allows certain combined groups to take a corporation business tax deduction equal to 1/30th of the amount necessary to offset the increase in their valuation allowance against net operating losses (NOLs) and tax credits in Connecticut that resulted from the state's shift to combined reporting (implemented in the 2016 income year). Under the act, a "valuation allowance" is the portion of a deferred tax asset for which it is likely that a tax benefit will not be realized, as determined under generally accepted accounting principles (GAAP).

Under the act, a combined group qualifies for the deduction if:

1. it and the affiliated corporations participating in the filing of its financial statements prepared according to GAAP are publicly traded companies as of January 1, 2016;
2. the shift to combined reporting resulted in an aggregate decrease in the amount of NOLs or tax credits its members may realize in Connecticut and a valuation allowance was reported according to GAAP;
3. it is claiming a separate 30-year statutory corporation business tax deduction (known as the FAS 109 deduction), which certain combined groups may claim if the shift to combined reporting resulted in an acceleration of its corporation business tax; and
4. when calculating its FAS 109 deduction, the group did not include the impact of a valuation allowance resulting from the shift to combined reporting.

Under the act, the increase in valuation allowance must be calculated based on the change in valuation allowance reported in the combined group's financial statements for the 2016 income year. The deduction (1) may not be reduced due to events that happen after the calculation, including disposition or abandonment of assets and (2) does not alter the tax basis of any asset. If the deduction exceeds the group's net income, the excess may be carried forward and applied until fully used.

The act requires any combined group that intends to claim the deduction under the act to file a statement with DRS by July 1, 2025, in the way its commissioner prescribes, specifying the total deduction amount the combined group claims. Combined groups that do not file a statement by this date may not claim the deduction. The act specifies that it does not limit DRS's authority to review and redetermine the deduction amount, whether on the statement or on a group's tax return.

EFFECTIVE DATE: January 1, 2025

§ 138 — FINAL CANNABIS CULTIVATOR LICENSE EXTENSION

Allows DCP, until December 31, 2025, to grant a final cultivator license to certain social equity provisional cultivator license holders who have not met the minimum grow space requirement, under certain circumstances; after that date, requires the licensee to pay a $500 extension fee for each day it fails to satisfy the minimum grow space requirement

By law, the Department of Consumer Protection (DCP) opened a three-month application period for social equity applicants to apply, without participating in a lottery or request for proposals, for a provisional and final cannabis cultivator license for a facility located in a disproportionately impacted area. Cultivators may, among other things, cultivate, grow, and propagate cannabis at an establishment with at least 15,000 square feet of grow space.

The act allows DCP, from June 6, 2024 (the date the act passed), until December 31, 2025, to grant a final cultivator license to a social equity provisional cultivator license holder who has not developed the capability to meet the minimum 15,000 square feet grow space requirement. Under the act, DCP may issue this license, and the holder may carry out the functions of a cultivator, if the holder submits, in a commissioner-prescribed way, a completed application for a final cultivator license and evidence that:

1. the holder's licensed cultivation facility currently has at least 5,000 feet of grow space;
2. the holder and the facility are in compliance with the cannabis laws, regulations, and policies and procedures;
3. the holder has a detailed business plan and buildout schedule to cultivate, grow, and propagate cannabis at a licensed establishment with at least 15,000 square feet of grow space by December 31, 2025; and
4. the holder paid the required $3 million fee, which by law must be deposited in the Social Equity and Innovation Fund.

If DCP issues a final cultivator license under these procedures and the licensee fails to meet the 15,000 square feet of grow space requirement by December 31, 2025, the licensee must pay the department, in a way the commissioner sets, a $500 extension fee for each day after it fails to satisfy the minimum grow space requirement.

In addition to this fee, DCP may exercise its enforcement powers for cannabis establishments, for the failure to meet the grow space requirement by the specified date. By law, the DCP commissioner, for sufficient cause, may take certain disciplinary actions, including suspending or revoking a credential or issuing fines of up to $25,000 per violation, and accepting an offer in compromise (CGS § 21a-421p).

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 24-76 § 13, among other things, allows these social equity cultivator applicants to locate (1) a facility on a state recognized tribe's reservation or land, under certain conditions or (2) an exclusively outdoor grow facility outside a disproportionately impacted area if it is in a municipality that has one.

§§ 139 & 140 — SOCIAL EQUITY COUNCIL

Expands the Social Equity Council membership; requires the council to (1) define its role and what it delegates to its executive director, (2) update the social equity plan criteria, and (3) submit an estimate of certain social equity distributions; requires additional reports from the council and executive director

By law, the Social Equity Council is charged with, among other duties, promoting and encouraging full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition. The act expands the council's membership and requires the council to specify its duties and those that are delegated to the executive director. It also requires the council to (1) update the criteria for social equity plans to include a specific, points-based rubric to evaluate the plans and (2) give an estimate to OPM of certain social equity disbursements.

The act also requires additional reporting, specifically for the (1) council to make quarterly reports to the governor, the legislative leaders, and certain legislative committees and (2) executive director to make monthly reports to the council and the Black and Puerto Rican Caucus.

Finally, the act makes various minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

Membership

The act increases the Social Equity Council membership from 15 to 17 members. Under prior law, the Black and Puerto Rican Caucus chairperson had one appointment. The act instead allows the Black and Puerto Rican Caucus chairperson to have two appointments and requires her to designate one appointment each to the chairperson of the (1) Puerto Rican and Latino Caucus and (2) Black Caucus. It also increases the number of gubernatorial appointments from four to five.

Chairperson and Executive Director

The act also requires the council, by July 1, 2024, to adopt bylaws specifying the duties the council members keep and those it delegates to the executive director. The council may, by majority vote, take any formal personnel actions concerning the executive director for any reason.

Additionally, the act provides for a final review board consisting of the council chairperson and the appointees of the House speaker, Senate president pro tempore, and the House and Senate minority leaders. If the board determines, by majority vote, that removing the executive director is in the best interest of the council's mission, it must issue a letter to the council recommending this removal.

As under existing law, the governor appoints the council chairperson from among its members. The act requires the chairperson to directly supervise the executive director, set annual goals for him or her, and complete the executive director's annual performance review.

The chairperson and executive director must jointly develop, and the council must approve:

1. the budgetary information the council is required to submit annually to the OPM secretary (see below);
2. the Social Equity and Innovation Account allocations that the council solely decides further equity principles (see below); and
3. plans for expenditures to give access to capital for businesses, technical assistance for business start-up and operations, funding for workforce education, funding for community investments, and funding for investments in disproportionately impacted areas.

Social Equity Plans

Under existing law, the Social Equity Council must review and then approve or deny, in writing, any social equity plan a cannabis establishment submits as part of its final license application. Under the act, the council must do so within 30 days after the plan's submission. If the council denies any plan, the applicant may revise and resubmit it without prejudice.

By July 1, 2024, the council must update the criteria for these plans to include a specific, points-based rubric to evaluate them.

Grants

Under the act, the council must approve the amounts, grantees, and purposes of any grants the council makes from the Social Equity and Innovation Account or the Cannabis Social Equity and Innovation Fund. Any contracts between the council and a grant maker must also require the council's approval for any subgrants by the grant maker.

Council Quarterly Report

The act requires the council, starting by July 1, 2024, to report quarterly on its activities to the governor, six legislative leaders, and Appropriations and General Law committees. The report must include certain expenditure statistics and the performance status of its responsibilities.

Specifically, the report must include the council's fiscal-year-to-date expenditures, including all expenditures broken out into the following categories:

1. for personal services and the associated fringe benefit costs;
2. for consultants used for reviewing applications for social equity applicant status;
3. to provide businesses with access to capital, including the number of these businesses;
4. to provide technical assistance for the start-up and operation of a business, including the number of businesses assisted;
5. to fund workforce education, the number of people served by any program the funding supported, and the number of people successfully placed in a relevant professional role after completing these programs;
6. to fund community investment grants, including the amounts, grantees, and purposes of any grants made and, if any of the grants were made to a grant maker, the amounts, grantees, and purposes of any subgrants;
7. for promotional or branding items, including information on what items were purchased;
8. for advertising or marketing campaigns or firms and sponsorships;
9. for other community outreach;
10. for travel; and
11. for other expenditures not described above.

The report must also include the performance status of the council's responsibilities in the adult-use cannabis licensing process, including the number of pending applications for (1) social equity applicant status, (2) social equity plans, and (3) workforce development plans. These must be categorized into the number of applications pending for under 30 days, between 30 and 59 days, between 60 and 89 days, and 90 or more days.

The report must also include the number of applications approved and denied that fiscal year, broken down by license type.

Executive Director Monthly Report

The act requires, starting by July 1, 2024, the executive director to prepare a monthly report on the council's activities and submit it to the council and the Black and Puerto Rican Caucus. The report must include the (1) council's planned expenditures in the following month and (2) status of the council's performance of its responsibilities in cannabis licensing.

The council's planned next-month expenditures must be broken out into the following categories:

1. consultants used to review applications for social equity applicant status;
2. funding for community investment grants, broken down in the same way as the quarterly report above;
3. promotional or branding items, advertising or marketing campaigns or firms, and sponsorships;
4. other community outreach; and
5. travel.

The performance status of the council's responsibilities in the cannabis licensing process must include the number of pending:

1. applications for social equity applicant status, including the date the application was submitted, broken down by license type, municipality, and House and Senate district location, and
2. social equity plans and workforce development plans, including the date the plan was submitted, broken down by license type.

Cannabis Social Equity and Innovation Account and Fund

By law, for purposes of the Cannabis Social Equity and Innovation Fund, the council must transmit to the OPM secretary estimated expenditure requirements (for even-numbered years) and recommended adjustments and revisions (for odd-numbered years), as prescribed under existing law for budgeted agencies. Under the act, the estimates must include the amount of funds required to be distributed for the permissible purposes from the Cannabis Social Equity and Innovation Fund appropriations.

Existing law requires, for FY 24, money from the Cannabis Social Equity and Innovation Account to be allocated to further the principles of equity as the council solely determines. By law, these purposes may include providing, among other things, (1) access to capital for businesses, (2) technical assistance for business start-up and operations, and (3) funding for workforce education. The Cannabis Social Equity and Innovation Fund's moneys must be appropriated for these same purposes.

The act specifies that the money in the account and fund may be used to fund this access to business capital, technical assistance, or workforce education in any industry.

§§ 141 & 142 — EDUCATIONAL MATERIALS ON INTIMATE PARTNER VIOLENCE TOWARDS EXPECTANT AND POSTPARTUM MOTHERS AND PEOPLE

Amends provisions in PA 24-81 that require DPH to develop educational materials on certain topics, such as intimate partner violence toward pregnant and postpartum people; modifies terminology by replacing "pregnant and postpartum persons" with "expectant and postpartum mothers and persons"

PA 24-81, §§ 45 & 46, requires the Department of Public Health (DPH), by January 1, 2025, to develop educational materials on intimate partner violence toward pregnant and postpartum people. It also transfers, from the state's Maternal Mortality Review Committee to DPH, the responsibility for developing educational materials on various other related topics required under existing law (e.g., evidence-based screening tools for screening patients for peripartum mood disorders and the health and safety of pregnant and postpartum persons with mental health disorders).

This act modifies terminology associated with these educational materials by replacing (1) "pregnant and postpartum persons" with "expectant and postpartum mothers and persons" and (2) "postpartum person" with "postpartum mother or person."

EFFECTIVE DATE: July 1, 2024

§§ 143 & 144 — ARTIFICIAL INTELLIGENCE EDUCATION TOOL PILOT PROGRAM

Requires SDE to select five school boards for an AI education tool pilot program and provide professional development for educators participating in the program; the boards selected must include at least one rural, one suburban, and one urban district and reflect the racial and ethnic diversity of the state

For FY 25, the act requires the State Department of Education (SDE) to administer an artificial intelligence (AI) education tool pilot program under which certain educators and students must use an AI tool for classroom instruction and student learning. The act makes the SDE commissioner responsible for selecting an existing AI tool for the program, which must comply with the laws governing the use of AI and the protection of student data and privacy, including the Family Educational Rights and Privacy Act of 1974 (FERPA) and the Connecticut student data privacy law (see *Background — Student Data Privacy Law*).

The SDE commissioner must select five school boards to participate in the program and award them with grants to help them implement the AI tool. The school boards selected must include at least one rural, one suburban, and one urban district and reflect the racial and ethnic diversity of the state. The commissioner and each participating board of education must jointly select the grade level, between grades 7 and 12, inclusive, in which the AI tool will be used.

The act also requires for FY 25 that SDE provide professional development for educators participating in the program, which must include:

1. training on how to use the program's AI tool properly and safely;
2. how the tool can benefit (a) educators in classroom instruction and (b) students in learning, academic achievement, and workforce development; and
3. the laws governing the use of AI and protection of student data and privacy, including FERPA and the Connecticut student data privacy law.

Under the act, "AI" means any technology normally associated with human intelligence or perception, such as machine learning that uses data to train an algorithm or predictive model to help a computer system or service autonomously perform any task, including visual perception, language processing, or speech recognition.

EFFECTIVE DATE: July 1, 2024

Background — Student Data Privacy Law

Connecticut's student data privacy law restricts how website and mobile application operators and consultants who contract with boards of education may process or access student data. It applies to student records and information and student-generated content. Among other things, it requires operators and consultants to use reasonable security practices to safeguard student data and generally prohibits contractors from selling or disclosing student information (CGS §§ 10-234aa to -234gg).

§ 145 — MODEL DIGITAL CITIZENSHIP CURRICULUM

Requires SDE to develop a model digital citizenship curriculum for grades kindergarten to 12

The act requires SDE, in collaboration with the Commission for Educational Technology, to develop a model digital citizenship curriculum for grades kindergarten to 12, inclusive, that school boards can use.

The curriculum must be completed by January 1, 2025, and (1) be rigorous, age-appropriate, and aligned with State Board of Education (SBE)-approved curriculum guidelines; (2) include content and instruction to develop digital citizenship skills and dispositions within online spaces with the media and technology across all content areas to cultivate positive student relationships and school climate; and (3) include topics aligned with the model curriculum developed by SDE on civics and citizenship, including instruction in digital citizenship and media literacy.

The act permits SDE to accept gifts, grants, and donations, including in-kind donations, to help implement the model digital citizenship curriculum the act creates.

EFFECTIVE DATE: July 1, 2024

§ 146 — HOSPITAL FINANCIAL REPORTING TO OHS

Requires hospitals to report certain financial information to OHS semi-annually, starting by October 31, 2024; authorizes OHS to take specific actions when hospitals meet certain financial thresholds

The act requires hospitals to report semi-annually, starting by October 31, 2024, to the Office of Health Strategy (OHS) executive director on certain financial information for the prior two calendar quarters. Specifically, each hospital must report the (1) number of days of cash on hand, or days cash and cash equivalents otherwise available to it (hereinafter "cash on hand"), and (2) dollar amounts of the following expenses that are at least 90 days past due in the reporting period:

1. any invoices or utility bills;
2. fees, taxes, or assessments owed to public entities; and
3. unpaid employee health insurance premiums, including unpaid contributions, claims, or other obligations supporting employees under self-insured or fully-insured plans.

The act requires the executive director to develop a uniform template for hospitals to use to submit the semi-annual reports to OHS and to post the template on the OHS website. The template must (1) be based on GAAP and (2) include definitions for the terms it uses. Under the act, hospitals may request an extension to comply with the reporting requirement, as the executive director prescribes. She may grant an extension request for good cause.

The act also authorizes the OHS executive director to take certain actions for hospitals that meet the following thresholds:

1. if a hospital reports two consecutive quarters of 60 days or less of cash on hand, the executive director may require the hospital to provide additional information she deems relevant to understanding the hospital's financial health;
2. if a hospital reports two consecutive quarters of 45 days or less of cash on hand, OHS must reach out to the hospital and offer assistance; and
3. if a hospital reports multiple consecutive quarters of 100 or more days of cash on hand, the executive director may waive one of its two semi-annual reports.

EFFECTIVE DATE: July 1, 2024

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

Increases, by $110 million, the required transfer of FY 24 General Fund revenue to FY 25

The act increases, from $95 million to $205 million, the amount of FY 24 General Fund resources that the state comptroller must transfer to be counted as FY 25 General Fund revenue.

EFFECTIVE DATE: Upon passage

§§ 148-150 — CARRYFORWARD OF CERTAIN CANNABIS-RELATED APPROPRIATIONS

Carries forward certain funds appropriated to OPM for costs associated with cannabis legalization and requires them to be used in FY 25 for certain studies and community action agencies

The act carries forward certain funds appropriated to OPM for costs associated with cannabis legalization and requires

them to be used by (1) OPM in FY 24 or 25 for studies related to the UConn Health Center, managerial compensation, and the Connecticut State Colleges and Universities ($1.5 million) and (2) the Department of Social Services in FY 25 for community action agencies ($2.3 million). It correspondingly repeals provisions in PA 24-81 carrying forward these funds (§§ 240 & 241).
EFFECTIVE DATE: Upon passage

§ 151 — PRIORITY LIST GRANT COMMITMENTS

Authorizes 11 school construction state grant commitments totaling $486.4 million toward total estimated project costs of $583.3 million; reauthorizes three projects with an additional state grant commitment of $73.9 million

The act authorizes school construction state grant commitments totaling $486.4 million toward total estimated project costs of $583.3 million. It also reauthorizes three projects that have changed substantially in scope and cost with an additional state grant commitment of $73.9 million.

Under the state school construction grant program, the state reimburses towns and local districts for a percentage of eligible school construction costs through general obligation (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, also known as the technical high schools, the state pays 100% of the project costs.
EFFECTIVE DATE: Upon passage

School Construction Grant Commitments

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

2024 School Construction Grant Commitments

District	*School*	*Project Type*	*Estimated Project Costs*	*Estimated Grant*	*Reimbursement Rate*
Bristol	Edgewood Pre-K Academy	Renovation	$16,803,560	$11,701,999	69.64%
LEARN	New Early Childhood School at 51 Daniels Avenue in Waterford	Magnet/ Alteration/ Purchase of Facility	95,736,656	90,949,823	95%
Stamford	South School – Upper	New	85,871,466	51,522,880	60%
Stamford	South School – Lower	New	72,463,942	43,478,365	60%
Bristol	Bristol Central High School Culinary Arts	Alteration	1,426,955	993,731	69.64%
Bristol	Bristol Eastern High School Culinary Arts	Alteration	1,448,285	1,008,586	69.64%

District	School	Project Type	Estimated Project Costs	Estimated Grant	Reimbursement Rate
Danbury	Danbury High School	Alteration	16,500,000	10,429,650	63.21%
Hartford	Montessori Magnet at Batchelder	Renovation	102,569,302	97,440,837	95%
Hartford	S.A.N.D. Elementary School	Renovation	82,837,086	78,695,232	95%
Hartford	Maria C. Colon Sanchez Elementary School	Renovation	96,945,196	92,097,936	95%
Newington	John Wallace Middle School	Renovation	10,717,573	8,038,180	75%
Totals			**$583,320,021**	**$486,357,219**	

Reauthorized Projects

The act also reauthorizes three school construction projects with a change in cost and scope, resulting in an additional state grant commitment of $73,910,096. The table below describes the changes to these projects.

Reauthorized School Construction Projects

District	School and Project	Type of Estimate	Prior Law	The Act	Reimbursement Rate
Hartford	Betances Learning Lab Magnet School	Project costs	$43,709,774	$66,825,200	95%
		Grant	41,524,285	63,483,940	
Hartford	Fred D. Wish Museum School	Project costs	49,320,000	67,290,900	95%
		Grant	46,854,000	63,926,355	
Hartford	E.B. Kennelly School	Project costs	51,146,225	88,130,000	95%
		Grant	48,845,414	83,723,500	

§§ 152-154 — PRIORITY LIST REQUIREMENTS

Requires that the priority list include additional information about enrollment projections and ineligible costs; allows school boards to redirect a school building project to a public use during the grant amortization period; eliminates requirement that DAS assign school building projects to categories; modifies local authorization requirements and reasons for which DAS may disapprove an application

Project Report (§ 152)

The law requires the Department of Administrative Services (DAS) to annually submit the priority list to the legislature, governor, and OPM secretary in December. For each project, the list must include enrollment and capacity projections for (1) the school receiving the grant and (2) all schools under the applicable school board's jurisdiction (for the eight years following the application date in the latter case). The act additionally requires that the report include (1) who conducted the enrollment projections and their cost and (2) an estimate and itemization of each project's ineligible costs.

Projects Redirected for Public Use (§ 152)

Existing law establishes a 10- or 20-year amortization period (depending on the grant amount) for school building project grants. It generally requires school boards to repay the unamortized balance if they abandon, sell, lease, demolish, or redirect the project's use during the amortization period, but it allows (1) projects to be redirected to a public school use and (2) towns to seek forgiveness of the unamortized balance if they redirect the project for a public use. The act broadens this authority by allowing school boards to redirect the project to a public use during the amortization period without triggering the repayment requirement or needing to seek forgiveness.

Project Categories (§§ 152 & 153)

The act eliminates a requirement that DAS assign school building projects to one of three categories and makes conforming changes. Generally, the categories were based on whether the project provided mandatory instructional facilities, enhanced these facilities, or provided supportive services.

Local Authorization (§ 152)

The law prohibits DAS from adding a project to the priority list unless the applicant, before applying, has either secured funding authorization for the local share of project costs or has scheduled and prepared a referendum for which results will be submitted by November 15 in the application year. Beginning with applications submitted on and after July 1, 2026, the act requires that the local share include an additional 10% contingency in accordance with guidance developed by DAS.

Project Review (§ 154)

Prior law allowed the DAS commissioner to disapprove a grant application if, among other things, it did not comply with the state fire marshal's or Department of Public Health's requirements. The act instead allows her to disapprove an application if it does not include an attestation from the local fire marshal or district or municipal health department, as applicable, that the project plans comply with these requirements.

Additionally, beginning July 1, 2025, the act allows the DAS commissioner to reject an application that does not include the solar feasibility assessment required by the act (see § 176 — SOLAR FEASIBILITY STUDY below).

EFFECTIVE DATE: July 1, 2024

§§ 155 & 156 — REIMBURSEMENT RATE INCREASES FOR CERTAIN EARLY CHILDHOOD PROJECTS

Increases the reimbursement rate bonus to 15 percentage points for certain elementary and early childhood projects; establishes a new 15-percentage point bonus for buildings used exclusively for early childhood care and education

Prior law gave a five-percentage-point reimbursement rate increase for the portion of a new or expansion elementary school building project that included space for a school readiness program. The act (1) increases this bonus rate to 15 percentage points and (2) broadens its availability to include an early childhood care and education program providing services for children from birth to age five. Under the act, recipient districts must maintain the program for at least 10 years.

(Under prior law, they had to maintain full-day preschool for this 10-year period.)

Additionally, the act establishes a new 15-percentage point bonus for a building or facility to be used exclusively by a school board for an early childhood care and education program providing services for children from birth to age five. The recipient district must maintain the program for at least 20 years. The act specifies that the district's overall reimbursement rate cannot exceed 100%.

The act also increases, from 10 to 15 percentage points, the reimbursement rate bonus for elementary school projects relating to (1) full-day kindergarten or preschool in priority school districts or priority schools or (2) reducing class sizes under the Early Reading Success program. It specifies that a recipient district's overall reimbursement rate cannot exceed 100%. Under existing law, (1) the bonus is for the part of the building used primarily for these purposes and (2) if the bonus is for full-day preschool, the district must maintain the program for 10 years.

EFFECTIVE DATE: July 1, 2024

§ 157 — INCLUSIVE MUNICIPALITY DESIGNATION

Requires school boards seeking a five-percentage point reimbursement rate increase for being in an "inclusive municipality" to give DAS the housing commissioner's written determination that the municipality qualifies for the designation

Existing law makes local and regional boards of education for an "inclusive municipality," as determined by the housing commissioner, eligible for a five-percentage point increase to their state grant reimbursement rate for school building projects (see *Background — Inclusive Municipality*).

The act requires boards of education seeking this bonus rate to submit to DAS a written determination by the housing commissioner that the municipality in which the project will occur qualifies for the designation. The board must submit the determination before December 1 in the year it applies to DAS for a school building project grant, and the determination must have been issued within that year. The act applies to priority list applications submitted on and after July 1, 2024.

EFFECTIVE DATE: July 1, 2024

Background — Inclusive Municipality

To qualify as an inclusive municipality, a municipality must have a total population exceeding 6,000 and a share of affordable housing units that is less than 10% of its total housing, as determined by the housing commissioner.

The municipality must also have done the following:

1. adopted, and currently maintain, zoning regulations that (a) promote fair housing, as determined by the commissioner; (b) provide a streamlined approval process for multi-family housing development of three units or more; (c) permit mixed-use development; and (d) allow accessory dwelling units and
2. built new affordable housing units that (a) are deed-restricted to households whose income is 80% or less of the state median income and (b) equal at least 1% of the municipality's total housing units in the three years immediately before the municipality's grant application.

§ 158 — SCHOOL CONSTRUCTION GRANTS TO ENDOWED ACADEMIES

Eliminates a requirement that an endowed academy's governing board meet specified composition requirements to be eligible for a school construction grant

By law, an endowed academy that functions as a public high school under state law is eligible for school construction grants (i.e., Gilbert School, Norwich Free Academy, and Woodstock Academy). The act eliminates a requirement that, to be eligible for a school construction grant, at least half of the members of an endowed academy's governing board, other than its chairperson, represent the school boards of the towns that designate them as their high schools. It retains the requirement that the academies provide educational services to those towns for at least 10 years after the last grant payment.

EFFECTIVE DATE: July 1, 2024

§§ 159, 161 & 164 — PROGRAM ADMINISTRATION

Replaces certain references to SDE or SBE in the school building project statutes with references to DAS

The act conforms the law to current practice by replacing references to SDE or SBE in the school building project

statutes with references to DAS. (Legislation in 2011 and 2014 transferred primary responsibility for school construction grants from SDE to DAS.)

Specifically, under existing law, if a school building project receives a grant with a reimbursement rate of 95% or more but ceases to be used for these purposes within 20 years after legislative approval, title generally must revert to the state. Under prior law, an exception applied if the SDE commissioner decided otherwise for good cause. The act instead requires that title revert unless the DAS commissioner does so.

The act also (1) makes permanent a requirement that DAS prescribe school construction rules and regulations in consultation with SDE (under prior law, it had to do so by June 30, 2013) and (2) repeals references to SBE regulations. It also repeals an obsolete provision on submitting change orders to SDE.

EFFECTIVE DATE: July 1, 2024

§ 160 — ENERGY FUNDS AND SCHOOL CONSTRUCTION GRANTS

Excludes certain energy-related funds from the state funds that must be subtracted from the total project cost when calculating a school construction grant

Prior law required that any state funds received by a town for a school building project be subtracted from the total project costs before the state calculated the town's state reimbursement grant amount (i.e., the subtraction decreases the amount on which the grant is based). Starting July 1, 2024, the act excludes funds or benefits received under the following energy-related initiatives from this subtraction requirement:

1. certain rate design standards for electric utilities (CGS § 16-19f),
2. the Department of Energy and Environmental Protection's microgrid and resilience grant and loan program (CGS § 16- 243y),
3. renewable energy tariffs (CGS § 16-244z),
4. conservation and load management programs (CGS § 16-245m), and
5. the Green Bank's Clean Energy Fund (CGS § 16-245n).

EFFECTIVE DATE: July 1, 2024

§§ 162 & 163 — PROJECT AUDITS

Modifies certain audit-related and post-project completion deadlines; makes technical changes

The law requires towns and regional school districts to submit a notice of project completion for a school building project after issuing a certificate of occupancy for the project. The act shortens, from within three years to within one year after this issuance, the deadline by which towns and regional districts must submit the notice. By law, DAS must deem the project completed and conduct the audit if the town or district does not submit the notice by the required deadline.

Under prior law, if DAS did not complete an audit within five years after receiving a notice of project completion, then it had to conduct a limited scope audit (e.g., a review of total reported expenditures and adherence to authorized space specifications). The act instead requires DAS to conduct the limited scope audit two years after making the final project payment if a regular audit is not completed.

The act also makes a technical change by repealing a redundant provision allowing the DAS commissioner to waive audit deficiencies if she finds that doing so is in the state's best interests. A separate statute, unchanged by the act, also authorizes this (CGS § 10-286g). Additionally, the act removes a reference to a repealed statute (see § 210 — REPEALED PROVISIONS below).

EFFECTIVE DATE: July 1, 2024

§ 163 — CONTRACTING REQUIREMENTS

Makes certain cooperative purchasing contracts a qualified bidder for most project awards; eliminates prohibition on construction managers bidding on project elements; requires that consultant and construction management awards be made from a pool of at least three of the most responsible qualified proposers; requires construction managers to report on ineligible costs and meet quarterly with school boards

Cooperative Purchasing Contracts

The law generally requires that orders and contracts for school building projects receiving state assistance be awarded

to the lowest responsible qualified bidder only after a public invitation to bid. Under the act, qualified bidders include cooperative purchasing contracts offered through a regional education service center (RESC) or council of governments. Under prior law and the act, separate requirements apply for consultant and construction management services awards (see below).

Consultant and Construction Management Services Award Process

Prior law required that orders and contracts for school building project architectural services be awarded from a pool of up to the four most responsible qualified proposers after a public selection process. The act instead requires that the award be from a pool of at least three of the most responsible qualified proposers and makes conforming changes. Among other things, the awarding authority must identify at least three of the most responsible qualified proposers after the qualification process (rather than the four most responsible qualified proposers) and award the contract to one of these proposers.

Under the act, this change also applies to orders and contracts for (1) construction management services and (2) other consultant services, including services rendered by an owner's representatives, construction administrators, program managers, environmental professionals, planners, and financial specialists. The act requires that DAS approval of orders or contracts for these consultants be in writing or through written electronic communication for the costs to be eligible for state funding.

GMP and Construction Managers

Under existing law, the construction manager's contract must include a guaranteed maximum price (GMP) for construction costs. This price must be determined no later than 90 days after selecting trade subcontractor bids.

The act (1) eliminates prior law's prohibition on construction managers bidding on project elements and (2) prohibits construction from beginning before the GMP is determined (PA 24-1, June Special Session, §§ 32 & 33, reinstated the prohibition on construction managers bidding on elements of their own project). Prior law allowed site preparation and demolition work to occur before the GMP was determined.

Construction Manager Reporting and Document Retention

The act requires that construction manager contracts include a requirement to retain all documents and receipts for two years following the date DAS completes the project audit (see above). It also requires construction managers to submit to school boards (1) quarterly reports regarding ineligible project costs to date and (2) a final report on total ineligible costs. They must submit this final report upon submitting the notice of project completion and before DAS audits the project.

Additionally, the act requires construction managers to meet quarterly with the school board to review any change orders for eligibility as the project progresses.

EFFECTIVE DATE: July 1, 2024

§§ 165, 166, 171 & 172 — TECHNICAL AND CONFORMING CHANGES

Removes references to repealed statutes

The act makes technical and conforming changes by removing references to repealed statutes (see § 210 — REPEALED PROVISIONS below).

EFFECTIVE DATE: July 1, 2024

§ 167 — SINGLE-USER TOILET AND BATHING ROOMS

Prohibits DAS from including new construction projects on the priority list if the project plans do not include single-user toilet and bathing rooms

Beginning July 1, 2025, the act prohibits DAS from including new construction projects on the school construction priority list if the project plans do not include single-user toilet and bathing rooms available for all students and school personnel.

EFFECTIVE DATE: July 1, 2024

§ 168 — SCHOOL BUILDING COMMITTEE MEMBERSHIP

Requires that school building committees include the school board chairperson or a designee

The act requires that local school building committees include the school board chairperson for the project's district or his or her designee. Under existing law, the committee must have at least one member with experience in the construction industry. Among other things, the committees approve project plans (CGS § 10-291).
EFFECTIVE DATE: July 1, 2024

§§ 169 & 170 — INDOOR AIR QUALITY GRANTS

Makes endowed academies and state charter schools eligible for grants; delays, from July 1, 2024, to July 1, 2026, the start of the prohibition on DAS awarding a grant to an applicant that is not compliant with the law's HVAC inspection requirement; requires DAS to reconsider previously rejected grant applications in FYs 25 and 26; earmarks up to $15 million of an existing bond authorization for grants to purchase equipment and materials for constructing and installing individual classroom air purifiers

Endowed Academies and Charter Schools

The law allows school boards or RESCs to apply to DAS for grants to reimburse costs for projects to install, replace, or upgrade heating, ventilation, and air conditioning (HVAC) systems or related improvements. The act extends eligibility for these grants to endowed academies and state charter schools and makes conforming changes. As under existing law for school boards and RESCs, DAS must consider the academy's or charter school's ability to finance the remainder of the project costs.

Under the act, endowed academies must receive the same reimbursement rate for indoor air quality grants as they do for school building project grants under existing law. Generally, this percentage may be up to 85% of eligible expenses, based on the weighting of the reimbursement rates of towns that have designated the academy as their high school, rounding to the next higher whole number and adding 5% (CGS § 10-285b).

The act requires that state charter schools receive half of the reimbursement rate for the town in which the school is located. Generally, school boards may receive a reimbursement grant for 20%-80% of eligible expenses, based on the town ranking among all Connecticut towns using property wealth as a measure. As with the school construction grant program, less-wealthy towns receive a larger reimbursement rate. RESCs are reimbursed under a similar method that reflects the wealth of the towns they serve.

Reconsideration of Rejected Applications

The act requires DAS, for FYs 25 and 26, to reconsider any rejected application that a school board or RESC submitted before July 1, 2024. The act specifies that they do not need to submit a new application for reconsideration unless the (1) previous application was denied for being incomplete or (2) DAS commissioner determines that more information or revisions are needed. Under the act, DAS must provide technical assistance to school boards and RESCs during the reconsideration period.

State Grants for HVAC Inspections

The law requires school boards to complete a uniform inspection and evaluation of their school buildings' HVAC systems. The act delays, from July 1, 2024, to July 1, 2026, the start of a prohibition on the DAS commissioner awarding grants for HVAC or indoor air quality improvements to school districts that have not certified compliance with the law's inspection and evaluation requirements.

Bond Authorization

Existing law authorizes state GO bonds to fund the indoor air quality grants. The act earmarks up to $15 million of the authorization for grants to purchase equipment and materials for constructing and installing individual classroom air purifiers. It earmarks up to $11.5 million of this amount for UConn as part of the Supplemental Air Filtration for Education program under the Clean Air Equity Response Program to use for this purpose. It earmarks the remainder for an organization or organizations that provide equipment and materials for individual classroom air purifiers to schools.

EFFECTIVE DATE: July 1, 2024

Background — Related Act

PA 24-74, § 8, also delays, from July 1, 2024, to July 1, 2026, the start of the prohibition on DAS awarding a grant to an applicant that is not compliant with the inspection requirement.

§§ 173-175 — RENEWABLE TARIFF FOR SOLAR IN SCHOOLS

Requires PURA to initiate a docket by January 1, 2025, to establish a program to encourage solar facility and energy storage installation at public schools

The act requires the Public Utilities Regulatory Authority (PURA) to initiate a docket by January 1, 2025, to develop a program to encourage solar facility and energy storage system installation at public schools. PURA must incorporate the program into existing renewable energy tariffs (see *Background — Renewable Energy Tariffs*). The act authorizes PURA to (1) establish a separate tariff (i.e., generally a set of rules and rates) for projects selected under this program and (2) limit the program's size by implementing a cap of up to 25 MW per year on the generating capacity of selected projects, though PURA must allow unused allowance under the cap in any given year to accrue (i.e., be available in subsequent years). Under the act, this program is separate from and not counted toward separate caps in existing renewable energy tariffs or energy storage programs (see *Background — Energy Storage Programs*).

Under the act, project proposals may use electricity estimates that exceed the existing on-site usage at the time of the proposal to account for the following additional future uses:

1. electric vehicle charging stations,
2. electric heating and cooling systems, and
3. powering equipment to provide food and water for drinking or hygiene.

EFFECTIVE DATE: July 1, 2024

Background — Renewable Energy Tariffs

The law and subsequent PURA decisions establish renewable energy tariffs that govern how electric customers that install, lease, or otherwise contract with solar facilities are compensated for the energy and related attributes these facilities generate. The law sets caps for two programs under these tariffs: the Nonresidential Energy Solutions program (NRES) and the Shared Clean Energy Facility program (SCEF). For NRES, the law caps low-emissions projects at 10 MW per year and zero-emissions projects at 100 MW per year. For SCEF, the law applies a 50 MW cap (CGS § 16-244z(c)(1)(A)).

Background — Energy Storage Programs

The law authorizes PURA to develop and implement programs for electric energy storage resources (e.g., batteries) connected to the electric distribution system (CGS § 16-243ee). While the law does not set caps for energy storage, the program PURA subsequently established is based on energy storage deployment goals in statute (PURA Docket 17-12-03RE03). By law, these goals are as follows:

1. 300 MW by December 31, 2024;
2. 650 MW by December 31, 2027; and
3. 1,000 MW by December 31, 2030 (CGS § 16-243cc).

§ 176 — SOLAR FEASIBILITY STUDY

Generally requires school boards, before submitting a priority list application, to have a solar feasibility assessment performed for the school building considered in the application

Beginning July 1, 2025, the act requires school boards, before submitting a priority list application for a school building project grant, to have a solar feasibility assessment performed for the building that is considered in the application unless it already uses solar energy. Boards may coordinate with one another in providing the assessment.

Under the act, the assessment must give a school board the information it needs to determine the feasibility of installing solar facilities on the school's premises, including the following:

1. the school's annual electric load during the most recent calendar year, if applicable;
2. the available area of rooftop space and impervious surface to host solar facilities;
3. available opportunities to interconnect with the electric distribution system; and
4. a description of anticipated costs, savings, and contractual terms for solar facilities, including interconnection costs and electric bill credits.

As noted earlier, the act allows the DAS commissioner to reject a priority list application that does not have this assessment (see § 154 above).

EFFECTIVE DATE: July 1, 2024

§§ 177-209 — SCHOOL CONSTRUCTION PROJECT EXEMPTIONS, WAIVERS, AND MODIFICATIONS

Exempts school construction projects in 25 towns and one regional school district from statutory and regulatory requirements to allow these projects to, among other things, qualify for state reimbursement grants, receive higher grant reimbursement percentages, or have their projects reauthorized due to a change in scope or cost; also repeals a prior project authorization

The act exempts school construction projects in 25 towns (including projects by the state or a different entity) and one regional school district from statutory and regulatory requirements to allow them to, among other things, (1) qualify for state reimbursement grants, (2) receive higher reimbursement percentages for the grants, or (3) have their project reauthorized due to a change in scope or cost. (These exemptions are commonly referred to as "notwithstandings.") Generally, other than the specific notwithstanding provisions mentioned below, the projects must meet all other eligibility requirements.

The table below describes the notwithstandings that the act grants.

Notwithstandings for School Construction Projects

Act §	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
177	Danbury	Danbury Career Academy at Cartus, new construction	Increases the maximum cost of a 2022 notwithstanding for the same project from $154 million to $179.5 million Amends a 2023 notwithstanding for the same project to increase, from $39.4 million to $45.76 million, the amount Danbury may be reimbursed for site acquisition costs
178	Danbury	Ellsworth Avenue School, roof replacement	Allows replacement of a roof that is less than 20 years old to be eligible for a state reimbursement grant, based on the town's standard rate
179	New London	Science/Technology Magnet High School, interdistrict magnet facility extension and alteration	Allows reimbursement of up to $1,591,736 for otherwise ineligible project costs
180	Milford	School building projects at 14 specified schools	Waives the standard building space requirements
181	Tolland	Birch Grove Primary School, school building project	Waives the standard building space requirements

Act §	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
182	Greenwich	Central Middle School, renovation	Waives the filing deadline to be on the 2024 priority list (§ 151) for the project with a maximum cost of $112,017,000 if Greenwich files an application before October 1, 2024 Sets a 20% project reimbursement rate Waives the standard building space requirements
183	Trumbull	Hillcrest Middle School, new construction	Waives the filing deadline to be on the 2024 priority list (§ 151) for the project with a maximum cost of $140,962,823 if Trumbull files an application before December 1, 2024 Sets a 44% project reimbursement rate rather than 24.29%*
184	Derby	Irving School, solar panels Bradley School, solar panels Derby Middle School, solar panels	Allows reimbursement for otherwise ineligible project costs

Act §	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
185	New Britain	Smith Elementary School, renovation	Waives the filing deadline to be on the 2024 priority list (§ 151) for the project with a maximum cost of $145 million if the application is filed before October 1, 2026, and the project includes constructing preschool facilities as part of or on the school's site Allows a 95% reimbursement rate instead of 78.93%* if (1) New Britain is an educational reform district on the act's effective date and (2) the school building committee for the project meets specified membership criteria Waives the standard building space requirements
186	New Britain	Chamberlain Elementary School, renovation	Allows New Britain to change the project's scope to not include constructing preschool facilities as long as those facilities are included in the Smith Elementary School project (see above)
187	New Britain	Jefferson Elementary School, renovation	Amends a 2023 notwithstanding for the project by extending the application deadline from October 1, 2026, to October 1, 2028
188	Torrington	Torrington Middle & High School, central administration facility and new construction	Sets the allowable project reimbursement rate at 85% for constructing outdoor athletic facilities (including artificial turf), including for any costs that would otherwise be reimbursed at one-half of this rate Allows reimbursement of up to $6 million for otherwise ineligible project costs

Act §	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
189	Ellington	Windermere Elementary School, renovation	Reauthorizes project and allows a change in scope if the cost does not exceed $74.6 million Waives the filing deadline to be on the 2024 priority list (§ 151) Waives the requirement that all projects must be awarded after a publicly advertised invitation to bid, including notice on the State Contracting Portal, if the project is otherwise eligible under the program
190	Darien	Holmes Elementary School, roof replacement	Waives the requirement that a construction bid not be let out without DAS plan and specifications approval
191	Darien	Hindley Elementary School, roof replacement	Waives the requirement that a construction bid not be let out without DAS plan and specifications approval
192	Darien	Hindley Elementary School, extension and alteration	Reauthorizes project and allows a change in scope if the cost does not exceed $33,479,045 Waives the filing deadline to be on the 2024 priority list (§ 151)
193	Darien	Holmes Elementary School, extension and alteration	Reauthorizes project and allows a change in scope if the cost does not exceed $34,003,800 Waives the filing deadline to be on the 2024 priority list (§ 151)
194	Darien	Royle Elementary School, extension and alteration	Reauthorizes project and allows a change in scope if the cost does not exceed $34,007,890 Waives the filing deadline to be on the 2024 priority list (§ 151)

Act §	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
195(a), (b) & (d)	Ansonia	New middle school construction	Waives the filing deadline to be on the 2024 priority list (§ 151) for the project if the application is filed before October 1, 2024 Allows an 87% reimbursement rate, rather than 67.86%* Waives the standard building space requirements
195(c)	Ansonia	New middle school, construction of a central administration facility	Sets the allowable project reimbursement rate at 87%, including for any costs that would otherwise be reimbursed at one-half of this rate
196	East Hartford (Goodwin University-run *Sheff* magnet school)	Goodwin University Industry 5.0 Magnet Technical High School	Reauthorizes the project and increases its allowable cost from $75 million to $85 million if the application is filed before June 1, 2024 Changes the project from extension and alteration to new construction
197	Region 4 (i.e., Chester, Deep River, and Essex)	John Winthrop Middle School, alteration	Waives the filing deadline to be on the 2024 priority list (§ 151) for the project with a maximum cost of $5.8 million Waives the standard building space requirements
198	Windsor (Capital Region Education Council)	Early learning center at former Roger Wolcott School	Waives the filing deadline to be on the 2024 priority list (§ 151) for the project with a maximum cost of $4,887,928 Makes the project eligible for total (100%) project cost reimbursement
199	Stamford	Davenport Elementary School, alteration	Waives the filing deadline to be on the 2024 priority list (§ 151) for the project with a maximum cost of $3,767,801 if the application is filed before October 1, 2024

Act §	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
200	Waterbury	Code violation project Duggan Elementary School, renovation and extension Jonathan E. Reed Elementary School, new construction and site purchase Carrington Elementary School, new construction Waterbury Career Academy, new construction and site purchase Michael F. Wallace Middle School, extension and alteration John F. Kennedy High School, extension and alteration	Waives any audit deficiencies
201	Thompson	Tourtellotte Memorial High School, code violation and oil tank replacement	Waives the requirement that a construction bid not be let out without DAS plan and specifications approval, as long as DAS later approves them
202	Simsbury	Latimer Lane School, renovation	Sets a 35% project reimbursement rate instead of 33.57%**
203	Middletown	Middletown High School, new construction	Allows reimbursement of up to $3.5 million for audit deficiencies and otherwise ineligible project costs
204	Farmington	Farmington High School, new construction and central administration facility	Allows reimbursement of up to $1.8 million for otherwise ineligible project costs
205	Groton (state project)	Ella T. Grasso Technical High School, extension and alteration	Reauthorizes the project and allows a change in scope if the cost does not exceed $135,821,895 Waives the filing deadline to be on the 2024 priority list (§ 151)

Act §	*Town*	*School and Project*	*Exemption, Waiver, or Other Change*
206	Meriden (state project)	H.C. Wilcox Technical High School (project unspecified)	Waives the filing deadline to be on the 2024 priority list (§ 151) for the project with a maximum cost of $15.5 million if the application is filed before October 1, 2024
207	Enfield	Nathan Hale Elementary School, extension and alteration	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
208	Manchester	Bowers Elementary School, renovation Buckley Elementary School, renovation Keeney Elementary School, renovation	Allows federal, Eversource, and other state funds to count towards town's local share of project costs
209	Sherman	Sherman School, renovation	Waives the filing deadline to be on the 2024 priority list (§ 151) for the project with a maximum cost of $42.5 million if the application is filed before October 1, 2024 Sets a 30% project reimbursement rate instead of 25%* Waives the standard building space requirements

*FY 24 reimbursement rates are shown for reference; actual rates depend on the year the application is submitted and the final determination of the project type (new or renovation)
**Rate from 2022 priority list (PA 22-118, § 362)

EFFECTIVE DATE: Upon passage

§ 210 — REPEALED PROVISIONS

Repeals several obsolete school building project statutes

The act repeals several obsolete school building project statutes and makes conforming changes. The statutes related to the following:

1. a 2002 pilot program for design-build projects (CGS § 10-285f);
2. an FY 06 pilot program for a charter school building project (CGS § 10-285h);
3. lump sum grant payments for projects submitted before October 15, 1975 (CGS §§ 10-287a & -287f); and
4. interest subsidy grants for certain projects authorized before July 1, 1996, or for which an application was submitted before July 1, 1997 (CGS §§ 3-76t, 10-287j & 10-292c to -292n).

The repeal of the interest subsidy grants also includes the repeal of a general obligation bond authorization that funded the grants (CGS § 10-292k). (The State Bond Commission has fully allocated the authorization.)
EFFECTIVE DATE: July 1, 2024

§ 211 — 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

AGING COMMITTEE

PA 24-39—sHB 5001
Aging Committee
Appropriations Committee

AN ACT SUPPORTING CONNECTICUT SENIORS AND THE IMPROVEMENT OF NURSING AND HOME-BASED CARE

TABLE OF CONTENTS:

§ 19 — MANAGED RESIDENTIAL COMMUNITY RESIDENT NOTIFICATION

Requires MRCs to give residents and their legal representatives at least 30 days' notice before changing the facility's operator or ALSA that provides services

§ 20 — MANAGED RESIDENTIAL COMMUNITY CONSUMER GUIDE

Requires the Long-Term Care Ombudsman, in consultation with the DPH commissioner, to develop an MRC consumer guide and have it posted on specified websites by January 1, 2025

§ 21 — REGIONAL LONG-TERM CARE OMBUDSMEN DUTIES

Expands the regional long-term care ombudsmen's duties to include activities related to the Community Ombudsman program, which supports adults receiving DSS-administered home- and community-based services

§ 22 — OFFICE OF THE LONG-TERM CARE OMBUDSMAN: CLIENT RECORDS DISCLOSURE

Allows nursing home residents or complainants to give consent visually or by using auxiliary aids for the Office of the Long-Term Care Ombudsman to disclose their files or records; requires an office representative to document the consent in writing

§ 23 — COMMUNITY OMBUDSMAN PROGRAM

Allows recipients of home- and community-based services with specified medical conditions or disabilities to give consent visually or by using auxiliary aids for the Community Ombudsman to disclose their files or records; specifies that this data includes medical, social, or other client-related data; allows the Long-Term Care Ombudsman to assign a community regional ombudsman the duties of a regional long-term care ombudsman

§ 24 — STUDY ON MEDICAID FAMILY CAREGIVER SUPPORT BENEFITS

Requires the DSS commissioner to (1) study the feasibility of pursuing a family caregiver support benefit through a Medicaid Section 1115 waiver and (2) report the results to the Aging and Human Services committees by January 1, 2025

§ 25 — NURSING HOME CENTERS OF EXCELLENCE PROGRAM

Requires the DPH commissioner to design a Centers of Excellence Program for licensed nursing homes to provide incentives for those that meet certain criteria

§ 26 — ONLINE NURSING HOME CONSUMER DASHBOARD

Requires DPH to create an online nursing home consumer dashboard, within available appropriations

SUMMARY: This act evaluates and expands supports and services for older adults as described in the section-by-section analysis below.
EFFECTIVE DATE: October 1, 2024, unless otherwise noted.

§§ 1-3 — DSS HOME CARE PROVIDER REGISTRY AND DATA PROCESSING SYSTEM

Requires the DSS commissioner, starting January 1, 2025, to develop and maintain a home care provider registry and data processing system for people receiving Medicaid home- and community-based services; allows the commissioner to apply to the federal Centers for Medicare and Medicaid Services for enhanced federal financial participation related to the registry's development, maintenance, and ongoing operation

Starting January 1, 2025, the act requires the Department of Social Services (DSS) commissioner to develop and maintain a home care provider registry and data processing system that (1) promotes awareness of and access to qualified home care providers for recipients of Medicaid home and community-based services (HCBS) and (2) may support recruiting, retaining, and overseeing qualified home care providers. The commissioner must do this in consultation with the Department of Consumer Protection (DCP) and Department of Public Health (DPH) commissioners and post a link to the registry on the DSS website. The act allows the DSS commissioner to adopt regulations to implement the registry.

Registry Contents

Under the act, the registry must include home care providers who:

1. either (a) offer home care or long-term services and supports (e.g., health, personal care, and social services or hospice care) and are not licensed by DPH (e.g., personal care attendants) or (b) are employed by an entity that provides these services, such as a home health, hospice, or homemaker-companion agency, and
2. are not personal care assistants or family caregivers (i.e., those who provide adult family living services under DSS or Department of Developmental Services Medicaid waiver programs).

The act requires the registry to include the following information about these providers:

1. their first and last name, job title, and hiring date;
2. their employer's legal name; and
3. a list of training programs their employer offers and the dates providers completed trainings.

Registry Exemptions

Under the act, providers may exempt themselves from being included in the registry if they (1) are a victim of domestic violence or sexual assault; (2) have a court-issued protective order, restraining order, standing criminal protective order, or foreign protective order (i.e., order issued by another state, U.S. territory, or Indian tribe); or (3) assert that extraordinary personal circumstances require an exemption to protect their health, safety, or welfare.

Providers must assert their exemption directly to their employer as the DSS commissioner prescribes, but they do not have to submit proof that they qualify for the exemption.

Registry Submissions

The act requires the DSS commissioner to consult with the DCP and DPH commissioners to develop procedures for collecting and maintaining registry information, including how often they will collect it and how they will update or remove inaccurate or outdated information.

It correspondingly requires (1) home health aide, home health care, and hospice agencies to submit the required provider information listed above to the DPH commissioner, and (2) homemaker-companion agencies to submit that information to the DCP commissioner. The commissioners must then give the information to the DSS commissioner to include in the registry. The act prohibits agencies from submitting information on any employee who asserts a registry exemption.

Registry Functionalities

Under the act, the registry may include functionalities that (1) connect people seeking HCBS with qualified home care providers, (2) support recruiting and retaining qualified home care providers, and (3) support state oversight of these providers.

Connecting Providers and Service Recipients. The registry may connect people seeking HCBS with qualified home care providers by doing the following:

1. helping them identify and match with qualified home care providers by sorting providers based on characteristics (e.g., language proficiency, certifications, prior experience, and special skills) and
2. helping individuals and their families navigate the state's HCBS system.

Provider Recruitment and Retention. It may support recruiting and retaining qualified home care providers by doing the following:

1. helping them become and stay enrolled as Medicaid HCBS providers,
2. actively recruiting these providers through job advertisements and job fairs,
3. connecting providers to training benefits and professional development opportunities,
4. facilitating provider access to health insurance coverage and other benefits, and
5. facilitating communication with providers during public health and other emergencies.

Provider Oversight. The act authorizes the registry to support state oversight of these HCBS providers by facilitating background checks, verifying their qualifications and special skills, and facilitating communication with providers during a public health or other emergency.

Registry Funding

The act authorizes the DSS commissioner to submit an advanced planning document to the federal Centers for Medicare and Medicaid Services for enhanced federal financial participation related to developing and maintaining the registry or its ongoing operations.

§§ 4 & 5 — MEDICARE NURSING HOME CARE COMPARE WEBSITE LINK

Requires the DSS and DPH commissioners to prominently post on their department websites a link to the Medicare Nursing Home Care Compare website

The act requires the DSS and DPH commissioners to post, in a prominent location on their respective department websites, a link to the Medicare Nursing Home Care Compare website. This online reporting tool uses a five-star rating system for the public to compare nursing homes by quality of care, health inspections, and staffing.

§ 6 — EXPANDING FINGERPRINTING LOCATIONS

Requires the DESPP commissioner to develop and implement a plan to expand fingerprinting locations in the state and report on the plan to the Aging, Public Health, and Public Safety and Security committees by January 1, 2025

The act requires the Department of Emergency Services and Public Protection (DESPP) commissioner, in consultation with the DPH commissioner, to develop and implement a plan to expand fingerprinting locations in the state to facilitate more access to these locations for people required to complete state and national criminal history records checks for employment or licensing purposes.

The commissioner must report on the plan to the Aging, Public Health, and Public Safety and Security committees by January 1, 2025.

EFFECTIVE DATE: Upon passage

§§ 7-9 — HOME CARE EMPLOYEE BADGES

Requires home health care, home health aide, homemaker-companion, and hospice agencies to require their employees to wear an identification badge with their name and photograph during client appointments; subjects agencies to possible disciplinary action for violations

The act requires each home health care, home health aide, homemaker-companion, and hospice agency to require employees to wear an identification badge with his or her name and photograph during each client appointment. The requirement takes effect July 1, 2025, for homemaker-companion agency employees and October 1, 2024, for all other agency employees.

Under the act, violators may be subject to various disciplinary actions (e.g., license suspension or revocation or probation) by (1) DCP, for homemaker-companion agencies and (2) DPH, for all other agencies.

§§ 10-13 — PRESUMPTIVE MEDICAID ELIGIBILITY FOR HOMECARE

Requires the DSS commissioner to establish a presumptive Medicaid eligibility system for people applying to the Medicaid-funded portion of CHCPE; requires the state to pay for up to 90 days of home care for applicants determined to be presumptively Medicaid eligible; expands DSS annual CHCPE reporting requirements to include data on the presumptive eligibility system

The act requires the DSS commissioner to establish a presumptive Medicaid eligibility system for people applying to the Medicaid-funded portion of the Connecticut Home Care Program for Elders (CHCPE). It correspondingly requires the commissioner to adopt regulations to implement and administer the system.

A presumptive eligibility determination deems an applicant immediately eligible for CHCPE services before a full Medicaid-eligibility determination. Under the act, the state will pay for up to 90 days of care for applicants who (1) require a skilled level of nursing care and (2) are determined presumptively eligible for Medicaid.

The act requires the commissioner, to the extent federal law allows, to seek a federal Medicaid waiver or state plan amendment needed to try to get federal reimbursement for the costs of providing coverage to those determined

presumptively eligible for Medicaid. Under the act, the presumptive eligibility system does not take effect until the commissioner gets the federal reimbursement.

The act allows the commissioner, in her discretion, to discontinue the system if (1) it has been operational for at least two years and (2) she determines it is not cost effective.

The act also makes related minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2024

Eligibility Determinations

By law, DSS contracts with "access agencies" to determine CHCPE participants' service needs and develop individualized care plans. The act requires the commissioner to develop a screening tool for these agencies to use to determine if a presumptive eligibility applicant is (1) functionally able to live in a home or community setting ("functionally eligible") and (2) likely to be financially eligible for Medicaid.

Under the act, applicants must complete a Medicaid application on the day they are screened for functional eligibility or within the next 10 days. If the applicant meets the two criteria, DSS must make a presumptive eligibility determination and initiate home care services within 10 days. (PA 24-81, § 105, requires DSS to approve a care plan authorizing home care services instead of initiating them within this 10-day period.) The act requires DSS to make a final eligibility determination within 45 days after receiving an applicant's completed Medicaid application, or within 90 days for an applicant with disabilities. (PA 24-81, § 105, instead requires DSS to make a final eligibility determination by the end of the 90-day presumptive eligibility period, and allows it to do so before then if it receives information that the applicant is ineligible for Medicaid.)

For a person determined presumptively eligible for Medicaid, the commissioner must, in keeping with federal law, determine the person retroactively eligible for Medicaid for up to 90 days before the date of his or her Medicaid application.

Written Agreement

The act requires applicants to sign a written agreement attesting to the accuracy of the information they provide. The agreement must also acknowledge that applicants will receive state-funded services up to 90 days after the home care services begin. (PA 24-81, § 105, additionally requires the agreement to waive applicants' right for continued coverage while waiting for a hearing they request in response to the department's determination, during or at the end of the presumptive eligibility period, that they are either ineligible or did not provide the information DSS needed to make the determination.)

Reporting Requirements

By law, the commissioner must annually report certain CHCPE information to the Human Services Committee. The act adds the following to this required information:

1. the number of people determined presumptively eligible for Medicaid,
2. state savings based on institutional care costs that were averted by correctly determining presumptive eligibility, and
3. the number of people incorrectly determined presumptively eligible and the costs to give them home care services before the final eligibility determination.

Background — Related Act

PA 24-81, § 105, (1) requires DSS, within 10 days after an applicant is screened for eligibility, to approve a care plan authorizing home care services instead of initiating the services; (2) expands the content of the written agreement applicants must sign; and (3) modifies the timeframe for DSS to make final eligibility determinations.

§ 14 — ADS STUDY ON FINANCIAL ASSISTANCE FOR NONPARENT CARETAKER RELATIVES

Requires the ADS commissioner to study reimbursement rate options for nonparent caretaker relatives receiving DSS Temporary Family Assistance benefits and report on the study to the Aging and Human Services committees by January 1, 2025

The act requires the Department of Aging and Disability Services (ADS) commissioner to study financial assistance

for nonparent caretaker relatives (e.g., grandparents), including:

1. reimbursement rate options for families receiving DSS Temporary Family Assistance (TFA) benefits where the head of household is a nonparent caretaker relative and a child's legal guardian,
2. ways to means test these families to target reimbursement to those with the greatest need, and
3. the number of nonparent caretaker relatives who may be eligible for TFA reimbursement after applying a studied means-testing method.

Under the act, the commissioner must report on the study to the Aging and Human Services committees by January 1, 2025.

EFFECTIVE DATE: Upon passage

§§ 15 & 16 — FAMILY RESOURCE CENTERS AND PARENT EDUCATION AND SUPPORT CENTERS

Expands the services available from SDE family resource centers and DCF parent education and support centers to include resources, programs, and services for nonparent caretaker relatives and legal guardians; requires the centers to make referrals to certain community programs

The act expands the services available from State Department of Education (SDE) family resource centers and Department of Children and Families (DCF) parent education and support centers to include resources, programs, and services for nonparent caretaker relatives and legal guardians (see *Background*). It also requires these centers to make referrals for parents, nonparent caretaker relatives, and legal guardians to community programs on childhood development and positive parenting practices.

Background — SDE Family Resource Centers & DCF Parent Education and Support Centers

By law, SDE and DSS coordinate family resource centers together. These centers are generally in public elementary schools and provide comprehensive child care services, remedial educational and literary services, families-in-training programs, and supportive services to parents who receive TFA and other parents who need services.

Additionally, DCF operates, within available appropriations, community-based, multiservice parent education and support centers. The goal of each center is to improve parenting and family functioning to give children and youths more opportunities for positive development. Centers provide (1) education, training, and support services; (2) information on, and coordination of, other community services; (3) consultation services; and (4) coordination of child care and transportation services to facilitate participation in the center's programs.

§ 17 — MUNICIPAL AGENTS FOR ELDERLY PERSONS

Makes the duties of municipal agents for elderly persons mandatory and expands them to include helping seniors access housing assistance resources; requires the ADS commissioner to create a directory with these agents' contact information and post it on the department's website

By law, municipalities must appoint a municipal agent for elderly persons to help seniors learn about community resources and file for benefits. The act makes the agents' duties mandatory, rather than permissive as under prior law. It also expands their duties to include helping seniors access resources on housing opportunities, including information on accessing elderly housing waiting lists, applications, and consumer reports.

The act requires the ADS commissioner, by January 1, 2025, to create a directory of these municipal agents, with their names and titles, phone numbers, and email and mailing addresses. The commissioner must post a link to the directory on the ADS website.

§ 18 — LONG-TERM CARE OMBUDSMAN NOTIFICATION OF ALSA LICENSURE

Requires the DPH commissioner to notify the Long-Term Care Ombudsman within 30 days after granting a license to an ALSA that operates an MRC or provides services at an MRC

The act requires the DPH commissioner to notify the Long-Term Care Ombudsman within 30 days after granting a license to an assisted living services agency (ALSA) that operates a managed residential community (MRC) or provides services at an MRC.

Background — ALSA Licensure

Under existing law, the state does not license assisted living facilities. Instead, it licenses and regulates ALSAs that provide assisted living services. ALSAs can only provide these services at an MRC. MRCs that wish to provide assisted living services must obtain a DPH license as an ALSA or arrange for the services with a licensed ALSA.

§ 19 — MANAGED RESIDENTIAL COMMUNITY RESIDENT NOTIFICATION

Requires MRCs to give residents and their legal representatives at least 30 days' notice before changing the facility's operator or ALSA that provides services

The act requires MRCs to give residents and their legal representatives at least 30 days' notice before changing the facility's operator or ALSA that provides services at the facility.

§ 20 — MANAGED RESIDENTIAL COMMUNITY CONSUMER GUIDE

Requires the Long-Term Care Ombudsman, in consultation with the DPH commissioner, to develop an MRC consumer guide and have it posted on specified websites by January 1, 2025

The act requires the Long-Term Care Ombudsman, in consultation with the DPH commissioner, to develop an MRC consumer guide that includes information on (1) resident protections; (2) housing protections, including those related to evictions; (3) MRC fees; and (4) any other information the ombudsman deems relevant.

By January 1, 2025, the ombudsman and commissioner must post the consumer guide on their respective agency websites, and the DSS commissioner must post it on the MyPlaceCT website (i.e., a resource that helps certain individuals live at home or in the community).

EFFECTIVE DATE: Upon passage

§ 21 — REGIONAL LONG-TERM CARE OMBUDSMEN DUTIES

Expands the regional long-term care ombudsmen's duties to include activities related to the Community Ombudsman program, which supports adults receiving DSS-administered home- and community-based services

By law, the state's Long-Term Care Ombudsman must appoint regional ombudsmen to help her perform certain duties, such as investigating and resolving nursing home resident complaints, representing residents' and applicants' interests before government agencies, and supporting the development of resident and family councils.

Under existing law, regional ombudsmen must also carry out other activities the state ombudsman decides are appropriate. The act specifies that this includes activities related to the Community Ombudsman program, which supports adults receiving DSS-administered home- and community-based services.

§ 22 — OFFICE OF THE LONG-TERM CARE OMBUDSMAN: CLIENT RECORDS DISCLOSURE

Allows nursing home residents or complainants to give consent visually or by using auxiliary aids for the Office of the Long-Term Care Ombudsman to disclose their files or records; requires an office representative to document the consent in writing

Existing law authorizes the Office of the Long-Term Care Ombudsman to disclose its files and records only at the discretion of the ombudsman or her designee. The office cannot identify the associated complainant or resident without the person's consent, or the consent of the person's legal representative, unless a court orders the disclosure.

Under existing law, a resident or complainant, or their legal representative, may give consent in writing or orally. The act also allows them to give consent visually or by using auxiliary aids and services. As under existing law, a representative of the office must document this consent in writing.

§ 23 — COMMUNITY OMBUDSMAN PROGRAM

Allows recipients of home- and community-based services with specified medical conditions or disabilities to give consent visually or by using auxiliary aids for the Community Ombudsman to disclose their files or records; specifies that this data includes medical, social, or other client-related data; allows the Long-Term Care Ombudsman to assign a community regional ombudsman the duties of a regional long-term care ombudsman

By law, the Community Ombudsman program within the Office of the Long-Term Care Ombudsman, among other things, responds to complaints about long-term services and supports provided to adults in home- and community-based programs DSS administers. Prior law gave the Community Ombudsman access to data on long-term services and supports given by a home care provider to a client if the client, or his or her authorized representative, generally consented in writing.

Under the act, if the client has a physical, cognitive, or mental health condition or disability so that written consent is not possible, he or she may instead give informed consent orally, visually, or using auxiliary aids and services. If the client is unable to do so and does not have an authorized representative, the Community Ombudsman must determine the data is necessary to investigate a complaint about the client's care, as under existing law.

The act also specifies that the data the Community Ombudsman may access includes medical, social, or other data related to the client.

Lastly, the act allows the Long-Term Care Ombudsman to assign a regional community ombudsman the duties and responsibilities of a regional long-term care ombudsman, as she deems necessary.

§ 24 — STUDY ON MEDICAID FAMILY CAREGIVER SUPPORT BENEFITS

Requires the DSS commissioner to (1) study the feasibility of pursuing a family caregiver support benefit through a Medicaid Section 1115 waiver and (2) report the results to the Aging and Human Services committees by January 1, 2025

The act requires the DSS commissioner to study the feasibility of pursuing a family caregiver support benefit through a Section 1115 Medicaid waiver that would provide respite services and support to residents not otherwise eligible for these services under Medicaid. The study must examine (1) Oregon's Project Independence and Family Caregiver Assistance Program, which is operated under this type of waiver; (2) other ways to expand eligibility for respite services for those not Medicaid-eligible; and (3) potential state-funded long-term care services that could offset the costs of a family caregiver support benefit.

Under the act, the commissioner must report the study's results to the Aging and Human Services committees by January 1, 2025.

EFFECTIVE DATE: Upon passage

§ 25 — NURSING HOME CENTERS OF EXCELLENCE PROGRAM

Requires the DPH commissioner to design a Centers of Excellence Program for licensed nursing homes to provide incentives for those that meet certain criteria

The act requires the DPH commissioner to design a voluntary Centers of Excellence Program to provide incentives for qualifying nursing homes. A "Center of Excellence" is a licensed nursing home that serves residents in a manner consistent with evidence-based best practices for person-centered care.

While designing the program, the commissioner must study (1) how much a Centers of Excellence Program could improve the quality of care at nursing homes and (2) what similar programs in other states use as nursing home best practices.

The commissioner must also consult with the following:

1. nursing home (a) owners and operators and (b) residents and their advocates,
2. hospitals,
3. the Office of the Long-Term Care Ombudsman,
4. the DSS commissioner and the Office of Policy and Management (OPM) secretary or their designees, and
5. other relevant stakeholders the DPH commissioner considers necessary.

The act requires the program's design to do at least the following:

1. identify evidence-based qualitative and quantitative standards for care delivery that a nursing home must meet to be designated as a Center of Excellence, and the measures that must be met for each standard;
2. identify a pathway for nursing homes to achieve this designation (by applying, an inspection, or other means), and create a way to designate them;
3. determine potential incentives for nursing homes that meet these standards; and
4. identify ways to maximize the use of available federal funding to support the program.

The act authorizes the commissioner to hire a consultant, within available appropriations, to identify best practices and design the program. After completing the program's design or by January 1, 2026, the commissioner must report to the OPM secretary on the plan developed. The act specifies that nursing homes will not be penalized for choosing not to participate.

The act also authorizes the DSS commissioner to seek a Medicaid state plan amendment, or a waiver from federal law, to provide incentives for program participants. But the commissioner must develop incentives that do not duplicate other federal or state funding.

EFFECTIVE DATE: July 1, 2024

§ 26 — ONLINE NURSING HOME CONSUMER DASHBOARD

Requires DPH to create an online nursing home consumer dashboard, within available appropriations

The act requires DPH, within available appropriations and in consultation with the Office of the Long-Term Care Ombudsman and the Long-Term Care Advisory Council, to create an online nursing home consumer dashboard that has (1) comprehensive information on the quality of care for people in need of nursing home care and their families and (2) industry leading practices. DPH must include a link to the dashboard in a prominent place on its website.

EFFECTIVE DATE: July 1, 2024

PA 24-141—sHB 5046
Aging Committee
Judiciary Committee
Appropriations Committee

AN ACT PROMOTING NURSING HOME RESIDENT QUALITY OF LIFE

TABLE OF CONTENTS:

§ 6 — PENALTIES FOR HEALTHCARE INSTITUTIONS FAILING TO COMPLY WITH CORRECTIVE ACTION PLANS

Subjects DPH-licensed healthcare institutions to potential disciplinary action for failing to comply with an accepted plan of corrective action

§§ 7 & 8 — MANAGED RESIDENTIAL COMMUNITY RESIDENCY AGREEMENTS AND FEES

Generally requires MRCs to (1) include information in written residency agreements on how they may adjust monthly or other recurring fees; (2) give residents or their representatives 90 days' notice of any fee increases; (3) give residents prorated or full refunds of certain fees if the facility cannot meet the resident's needs within the first 45 days of occupancy; exempts elderly housing complexes participating in certain federal and state programs from these and certain related requirements

§ 9 — ALSA FEES

Requires ALSAs to (1) disclose fee increases to residents or their representatives at least 60 days before they take effect and (2) upon request, give them the history of fee increases over the past three years

§§ 10 & 11 — APPOINTMENT OF RECEIVERS OF NURSING HOMES OR RESIDENTIAL CARE HOMES

Requires nursing home or residential care home receiver applications to be granted if the facility sustains any type of serious financial loss or failure and updates the criteria for who may be appointed as a receiver of these facilities

§ 12 — NURSING FACILITY MANAGEMENT SERVICES

Requires each entity seeking a nursing facility management certificate to disclose additional information in its application; revises the criteria upon which DPH can base its certificate issuance decisions; expands the penalties and grounds upon which DPH can impose disciplinary action against these certificate holders

§ 13 — WORKING GROUP

Establishes a working group to study the impact of prohibiting nursing homes from placing newly admitted residents in rooms with no more than two beds

SUMMARY: This act makes changes related to the management and oversight of long-term care and similar licensed facilities as described in the section-by-section analysis below.
EFFECTIVE DATE: Upon passage, unless otherwise specified below.

§ 1 — NURSING HOME ROOM CAPACITY LIMITATIONS

Prohibits each licensed chronic and convalescent nursing home and rest home with nursing supervision from placing newly admitted residents in a room with more than two beds starting on July 1, 2026; correspondingly allows DSS to recalculate Medicaid rates to reflect any associated bed reduction

The act prohibits each licensed chronic and convalescent nursing home and rest home with nursing supervision (i.e., nursing home) from placing newly admitted residents in a room with more than two beds beginning July 1, 2026.

A violation is a class B violation and may result in a civil penalty of up to $10,000. Nursing homes may only incur one violation per newly admitted resident in a calendar year.

The act allows the Department of Social Services (DSS) commissioner to recalculate a nursing home's Medicaid rate each fiscal year (FY) starting in FY 26 to reflect any bed reductions associated with the elimination of three and four bed rooms. The act requires fair rent to reflect the costs for building modifications or additions incurred in FY 25 or after associated with the elimination of three and four bed rooms.

§ 2 — NURSING HOME WAITING LIST AND TRANSFERS

Generally requires nursing homes, without regard for the waiting list, to admit transferring residents from a nursing home that is closing, subject to certain exemptions, such as (1) homes with no more than 30% self-pay patients if the transferring patient is indigent or (2) when the applicant has been denied Medicaid eligibility and has no payor source

Under prior law, nursing homes receiving state funds for providing care for the indigent generally had to admit applicants on a first-come, first-served basis and could not discriminate against indigent applicants based on their source of payment.

However, under state law, a nursing home with 30% or fewer self-pay residents is not required to admit an indigent person on a waiting list when a bed becomes available in the next six months, as long as a bed is not held open for more than 30 days. Under prior law, a home taking advantage of this waiver was required to notify DSS and the regional long-term care ombudsman on a quarterly basis. The act instead requires the home to notify these entities on the date the exemption began and quarterly after that.

Prior law permitted nursing homes to admit transferring residents from a nursing home that was closing without regard for the waiting list. The act generally makes this mandatory, with certain exceptions (see below). This specifically applies to applicants wishing to transfer from a nursing home (1) that is closing or (2) in which they were placed after the nursing home where they previously resided closed (or for homes in receivership, was anticipated to close).

Under the act, nursing homes that qualify for the waiting list exemption described above (i.e., homes with no more than 30% self-pay patients), or nursing homes with vacancies in private rooms, are not required to admit indigent people who are transferring under these provisions except when they are being transferred from a nursing home that is closing due to an emergency.

Under the act, nursing homes are also not required to disregard the waiting list when admitting people from other homes that are closing if the nursing home has determined that the applicant (1) does not have a payor source because they have been denied Medicaid eligibility, (2) has not paid a nursing home that is closing for the three months prior to the date of the application for admittance and does not have a Medicaid application pending, (3) is subject to a Medicaid penalty period, or (4) does not require nursing home level of care according to applicable state and federal law.

EFFECTIVE DATE: July 1, 2024

§§ 3 & 4 — DISCONTINUATION OF REST HOME WITH NURSING SUPERVISION LICENSES

Prohibits the DPH commissioner from granting new rest home with nursing supervision licenses; exempts these homes from DSS certificate of need requirements when changing their licensure to a chronic and convalescent nursing home

The act prohibits the Department of Public Health (DPH) commissioner from granting new licenses to establish or operate a rest home with nursing supervision. A rest home with nursing supervision is a residential facility that provides intermediate care services to residents. (In practice, nursing homes generally have been phasing out these beds or converting them to chronic and convalescent nursing home beds.)

The DPH commissioner is authorized to approve a one-time license renewal for one year or less if the applicant follows the existing criteria for renewal.

Additionally, long-term care facilities generally must seek certificate of need (CON) approval from DSS before various activities. The act exempts rest homes with nursing supervision from this requirement when changing their licensure to a chronic and convalescent nursing home.

§ 5 — NURSING FACILITIES AND STATE ENFORCEMENT AUTHORITY

Extends certain existing procedures and penalties for nursing home violations of federal law to violations of state laws or regulations

Under the act, if a Medicaid-participating nursing facility is found to be noncompliant with applicable state statutes or regulations during a DPH survey, it is treated as noncompliant with specified federal law under existing procedures.

Under this law, among other things:

1. if DPH finds that this noncompliance poses an imminently serious threat to patient well-being, it must issue a statement of the charges to the facility, file it with DSS, and request a summary order from DSS, which (if issued) must include termination of Medicaid participation or the appointment of a temporary manager and may include other corrections (e.g., having patients transferred to other facilities or civil penalties);
2. if DPH finds that this noncompliance does not pose an immediate threat, it must issue a statement of the charges, file it with DSS, and request that DSS impose any of a range of remedies similar to those for imminently serious charges; and
3. the facility may request a hearing with DSS within 10 days of the statement of charges or summary order's issuance.

As under existing law, DPH may impose a range of sanctions on nursing homes that violate applicable state laws or regulations.

§ 6 — PENALTIES FOR HEALTHCARE INSTITUTIONS FAILING TO COMPLY WITH CORRECTIVE ACTION PLANS

Subjects DPH-licensed healthcare institutions to potential disciplinary action for failing to comply with an accepted plan of corrective action

By law, a DPH-licensed health care institution (such as a hospital or nursing home) must submit a correction plan to DPH if the department, after an inspection, issues a notice that the institution was out of compliance with applicable state laws or regulations. DPH may impose disciplinary action on these institutions if they fail to submit a plan of correction meeting the law's requirements.

The act authorizes DPH to impose disciplinary action on these institutions if they fail to comply with a plan of correction accepted by the department. These actions may only be imposed after a hearing and may include, among other things:

1. revocation, suspension, or censure of a license;
2. placement of a licensee on probationary status;
3. a restriction on acquiring other facilities for a period set by the commissioner; or
4. issuance of an order compelling compliance with applicable laws or regulations of the department.

§§ 7 & 8 — MANAGED RESIDENTIAL COMMUNITY RESIDENCY AGREEMENTS AND FEES

Generally requires MRCs to (1) include information in written residency agreements on how they may adjust monthly or other recurring fees; (2) give residents or their representatives 90 days' notice of any fee increases; (3) give residents prorated or full refunds of certain fees if the facility cannot meet the resident's needs within the first 45 days of occupancy; exempts elderly housing complexes participating in certain federal and state programs from these and certain related requirements

Existing law requires managed residential communities (MRC) to give each resident a written residency agreement clearly setting out the resident's and the MRC's rights and responsibilities. The act modifies the contents of the agreement and establishes notification and reimbursement requirements for certain resident fees.

EFFECTIVE DATE: October 1, 2024, except the provisions on the residency agreements (§ 7) are effective upon passage.

Written Residency Agreement

Beginning October 1, 2024, the act generally adds to the required contents of the agreement the way that MRCs may adjust monthly or other recurring fees, including (1) how often fees may increase, (2) the schedule or specific dates of these increases, and (3) the history of fee increases over the past three calendar years.

Under existing law, written residency agreements must include, among other things, a full and fair disclosure of all charges, fees, expenses, and costs to be borne by the resident. The act also requires that agreements entered into on or after October 1, 2024, specify any nonrefundable charges, fees, expenses, and costs.

Fee Notifications and Reimbursement

The act generally requires MRCs to give residents or their representatives 90 days' advance notice of any increase in

monthly or recurring fees and written disclosure of any nonrefundable charges.

It also generally requires MRCs to give residents prorated or full reimbursement of certain charges if it determines it can no longer meet the resident's needs during the first 45 days of the resident's occupancy (e.g., prorated first month's rent, prorated community fee, full last month's rent, and full security deposit).

Exemption

The act exempts MRCs from these requirements, as well existing requirements that agreements include a payment schedule and disclosure of all late fees or potential penalties, if they are (1) an elderly housing complex receiving assistance and funding through the U.S. Department of Housing and Urban Development's (HUD) Assisted Living Conversion Program (ALCP) or (2) a DSS demonstration project to provide subsidized assisted living services.

§ 9 — ALSA FEES

Requires ALSAs to (1) disclose fee increases to residents or their representatives at least 60 days before they take effect and (2) upon request, give them the history of fee increases over the past three years

Existing law requires an assisted living services agency (ALSA) to ensure all services provided individually to clients are fully understood by the client or the client's representative, and that the client or representative is made aware of their cost.

In addition, the act requires an ALSA to (1) disclose fee increases to the client or representative at least 60 days before they take effect and (2) upon request, give the resident or representative the history of fee increases over the past three calendar years.

The act specifies that this requirement does not limit an ALSA from immediately adjusting fees if (1) they are directly related to a change in the level of care or services necessary to meet the resident's safety needs at the time of a scheduled resident care meeting or (2) the resident's condition changes, resulting in a required change in services.

EFFECTIVE DATE: October 1, 2024

§§ 10 & 11 — APPOINTMENT OF RECEIVERS OF NURSING HOMES OR RESIDENTIAL CARE HOMES

Requires nursing home or residential care home receiver applications to be granted if the facility sustains any type of serious financial loss or failure and updates the criteria for who may be appointed as a receiver of these facilities

Under prior law, courts were required to grant an application for the appointment of a receiver for a nursing home facility or residential care home (facility) if they found, among other things, the facility had sustained a serious financial loss or failure that jeopardizes the health, safety, and welfare of the patients. The act eliminates the requirement that the serious financial loss or failure jeopardize the health, safety, and welfare of the patients.

The act also specifically allows entities to serve as a receiver of a facility, in addition to individuals, and subjects these entities to the same ethical requirements to which individuals are subject. It requires receiver candidates to either (1) be a licensed nursing home facility administrator or (2) have substantial experience in the delivery of high-quality health care services and management of long-term care facilities and have a level of education or licensure customarily commensurate with people who manage facilities like the one under receivership.

Under prior law, a receiver candidate had to be a person that either (1) was a licensed nursing home facility administrator, to serve as a receiver of a nursing home facility, or (2) had experience as a residential care home administrator, or if someone with that experience could not be found, other similar experience, in order to be a receiver of a residential care home.

The act prohibits individuals employed by a private equity company or entity owned or controlled by a private equity company from being appointed to act as a receiver of a nursing home facility or residential care home.

The act also removes the requirement that DSS adopt regulations on receiver qualifications.

§ 12 — NURSING FACILITY MANAGEMENT SERVICES

Requires each entity seeking a nursing facility management certificate to disclose additional information in its application; revises the criteria upon which DPH can base its certificate issuance decisions; expands the penalties and grounds upon which DPH can impose disciplinary action against these certificate holders

The act requires nursing facility management services certificate applicants who have beneficial owners to include the name of everyone with a 5% or greater ownership interest in the applying entity and a description of their relationship to the applicant. Under prior law, the threshold to disclose a beneficial owner was 10%.

In addition, state law requires applicants to disclose the location and description of any nursing facility to which the applicant currently provides, or provided within the past five years, management services. The act expands this requirement to cover the applicant's beneficial owners and requires disclosure of facilities where the applicant or an owner is or has been the owner, operator, or administrator within the past five years.

Similarly, under existing law, people required to be listed on the application (see above) must sign an affidavit disclosing certain information about their criminal history, civil cases, or health care business-related disciplinary actions.

The act requires applicants to disclose if any such nursing facility associated with the applicant or beneficial owner has been subject to any of the following:

1. three or more civil penalties imposed through DPH final orders within the two years preceding the application date;
2. any civil penalties imposed under the laws or regulations of another state within the same period;
3. Medicare or Medicaid sanctions in any state, other than civil penalties of $20,000 or less; or
4. nonrenewal or termination of a Medicare or Medicaid provider agreement.

Providing Nursing Facility Management Services to Facilities Not Listed on the Original Certificate

The act requires nursing facility management certificate holders to request DPH approval to provide management services to a facility not listed on their certificate at least 30 days before doing so. The department may grant the request subject to conditions or deny the request based on the certificate holder's compliance history with state and federal regulatory requirements at the facilities it manages.

Adjudication of Applications

The act requires DPH to base its decision to renew or issue a certificate on information otherwise available to DPH, in addition to the information submitted to DPH by the applicant and the managed facilities' compliance status as under existing law.

The act expands the conditions under which DPH may deny a nursing facility management certificate. Existing law allows DPH to do so based on substantial failure to comply with the Public Health Code. The act additionally allows DPH to deny issuing a certificate if the applicant or a beneficial owner has an evidentially demonstrable unacceptable history of compliance with (1) state licensure requirements; (2) federal requirements; and (3) state regulatory requirements for each licensed health care facility owned, operated, or managed by the applicant or beneficial owner in the United States in the five years before the application.

The act states that an unacceptable history of compliance can be evidenced by:

1. licensed health care facilities being subject to the adverse actions described above that must be listed on the application (e.g., three or more civil penalties);
2. licensed health care facilities having continuing violations, or a pattern of violations, of state licensure standards or federal certification standards; or
3. the criminal conviction or guilty pleas by an applicant or beneficial owner to charges of fraud, patient or resident abuse or neglect, or a crime of violence or moral turpitude.

The act requires renewal applicants to submit satisfactory evidence that any nursing facilities that the applicant provides management services to has been, and is, in substantial compliance with federal regulatory requirements. The law also still requires the applicant to submit evidence that they are, and have been, in substantial compliance with state law governing health care institutions, the Public Health Code, and licensing regulations, in addition to any other information DPH requires.

Disciplinary Action for Failing to Comply With State and Federal Requirements

Existing law authorizes DPH to impose disciplinary action (e.g., suspension or revocation of the certificate) on a nursing facility management services certificate holder for substantial failure to comply with statutory requirements. The act specifically authorizes DPH to also impose discipline on them if, at any of the facilities they manage, there is a substantial failure to comply with state licensure requirements, state regulatory requirements, or federal requirements.

The act authorizes DPH, after a hearing, to impose a civil penalty on a nursing home facility management certificate holder of $20,000 or less if three or more facilities managed by the certificate holder are subject to civil penalties imposed by DPH final orders during a 12-month period.

Additionally, DPH can require a certificate holder and the nursing facility licensee to submit a plan of corrective action to DPH when the commissioner finds there has been a substantial failure to comply with requirements applicable to nursing home facility management certificate holders. Under the act, a plan of correction accepted by DPH is considered an order of the department, and violations of these orders can result in disciplinary action against the certificate holder.

§ 13 — WORKING GROUP

Establishes a working group to study the impact of prohibiting nursing homes from placing newly admitted residents in rooms with no more than two beds

The act establishes a working group to study the impact of prohibiting licensed chronic and convalescent nursing homes and rest homes with nursing supervision (nursing homes) from placing newly admitted residents in rooms with more than two beds without consent of the resident. The working group must examine methods to (1) assist facilities affected, including identifying opportunities to support their financial sustainability, and (2) ensure that these facilities are able to comply.

The working group consists of:

1. six members, one appointed by each of the six top legislative leaders;
2. the Office of Policy and Management secretary or his designee;
3. the DSS commissioner or her designee;
4. the DPH commissioner or her designee; and
5. the Aging Committee chairpersons and ranking members.

The act allows any member of the working group appointed by the legislative leaders to be a member of the General Assembly. Furthermore, the act requires all initial appointments to the working group be made no later than July 4, 2024.

The act makes the House chairperson and ranking member the working group chairpersons and they must hold the first meeting by August 3, 2024. The act requires the Aging Committee administrative staff to serve in that role for the working group.

The working group must submit a report of its findings and recommendations to the Aging Committee no later than January 1, 2026. The working group ends on the date it submits the report, or January 1, 2026, whichever is later.

PA 24-131—sHB 5431 **(VETOED)**
Appropriations Committee

AN ACT ESTABLISHING A CONNECTICUT FAMILIES AND WORKERS ACCOUNT

SUMMARY: This act would have created the Connecticut families and workers account as a separate, nonlapsing account in the General Fund. It would have required the (1) account to hold any funds required by law to be deposited in it and (2) comptroller to spend funds from the account to assist low-income workers (e.g., striking workers). The act does not specify any further criteria for using the funds.

The act also would have required that up to $3 million of the unspent funds appropriated to State Comptroller – Fringe Benefits for State Employees Health Service Costs in the FY 24 budget act be carried forward and available during FY 25 for deposit into the Connecticut families and workers account.

PA 24-140—HB 5429
Appropriations Committee

AN ACT CONCERNING THE COMMISSARY IMPLEMENTATION PLAN FOR YOUTH IN DEPARTMENT OF CORRECTION FACILITIES

SUMMARY: By July 1, 2024, this act requires the Department of Correction (DOC) commissioner, in consultation with the Juvenile Justice Policy and Oversight Committee's (JJPOC) incarceration subcommittee, to report to the Appropriations, Children, and Judiciary committees on executing the commissary implementation plan and recommendations for changing the plan or how it is executed.

By law, the commissary implementation plan relates to youths in DOC facilities and includes identifying those that do not have equitable access to the commissary. The law required DOC to (1) develop the plan, in consultation with the JJPOC subcommittee, by July 1, 2023; (2) immediately implement procedures for more equitable commissary options for these youths; and (3) fully implement the plan by November 1, 2023.
EFFECTIVE DATE: Upon passage

PA 24-150—sHB 5511
Appropriations Committee

AN ACT CONCERNING THE OPIOID SETTLEMENT ADVISORY COMMITTEE

SUMMARY: This act increases, from 45 to 51, the membership of the Opioid Settlement Advisory Committee by adding (1) two municipal representatives appointed by the governor and (2) the ranking members of the Appropriations and Public Health committees, or their designees, so long as the designees have experience living with a substance use disorder or have a family member with such a disorder.

Under the act, the advisory committee consists of 43 state and local government officials and eight public members and, as under existing law, is chaired by the Department of Mental Health and Addiction Services commissioner and a municipal representative. The committee must meet quarterly and annually report to the Appropriations and Public Health committees on the fund's activities.

By law, the advisory committee must ensure (1) Opioid Settlement Fund moneys are allocated and spent on specified substance use disorder abatement purposes and (2) robust public involvement, accountability, and transparency in allocating and accounting for the fund's moneys (CGS § 17a-674d).
EFFECTIVE DATE: Upon passage

PA 24-23—SB 117
Banking Committee

AN ACT CONCERNING MARTIN LUTHER KING, JR. CORRIDORS

SUMMARY: This act increases, from three to seven, the number of Martin Luther King (MLK), Jr. Corridors the banking commissioner must designate. By law, the designation's purpose is to promote secured and unsecured lending in Connecticut.

PA 16-65 gave the commissioner his original designation authority. He administratively set up a process that required applicants for the designation to, among other things, show proof of an MLK roadway in the proposed corridor, describe the area's condition, explain how the designation would benefit the area and provide actionable steps for implementation, and submit written support from the town's chief elected official. The commissioner selected corridors in Middletown, New Britain, and Norwalk. In practice, the designation has been used to help facilitate area-specific economic development planning initiatives in the corridors.
EFFECTIVE DATE: October 1, 2024

PA 24-66—sSB 283
Banking Committee

AN ACT CONCERNING THE EMERGENCY MORTGAGE ASSISTANCE PROGRAM

SUMMARY: This act makes various changes to the Connecticut Housing Finance Authority's (CHFA) Emergency Mortgage Assistance Program (EMAP), which is a state-funded loan program that helps homeowners make mortgage, certain lien, or condominium assessment payments. The act:

1. potentially expands program eligibility by redefining "aggregate family income" to consider the total income of only the adults in the household when determining whether there is financial hardship (§ 1);
2. removes utility and heating expenses from the total housing expense calculation that allows for program participation (e.g., being factored into the cap on a homeowner's payments to CHFA) (§§ 1 & 3);
3. allows CHFA to use equity as evidence of a homeowner's ability to timely repay mortgage assistance (§ 2);
4. allows CHFA to make lump sum emergency mortgage payments to mortgagees (i.e., lenders) and gives CHFA other flexibility in making program payments and in setting the repayment agreement terms with homeowners (e.g., concerning interest accrual) (§§ 3 & 4);
5. authorizes CHFA to adopt procedures to set an aggregate limit on the amount of emergency mortgage assistance payments that a homeowner may receive (§ 5); and
6. specifies that CHFA must post on its website the funding availability-related notices that the law requires it to give to mortgagees and lienholders (§ 6).

The act also makes various associated minor, technical, and conforming changes.
EFFECTIVE DATE: October 1, 2024

§§ 1 & 2 — PROGRAM ELIGIBILITY

By law, homeowners are generally eligible for EMAP if they received a foreclosure notice (either on a mortgage or lien) and are at least 60 days delinquent on a mortgage or lien debt or anticipate being so due to financial hardship beyond their control. Homeowners with mortgages in forbearance are also eligible.

Financial Hardship

The law sets what constitutes "financial hardship due to circumstances beyond the homeowner's control," as generally a significant reduction in aggregate family household income or increase in expenses that reasonably cannot or could not be solved by selling homeowner assets, as CHFA determines. Explicit examples include homeowner unemployment, homeowner disability or illness, loss of retirement benefits or support payments, an unanticipated rise in housing expenses, and a significant increase in mortgage payment amounts.

The act makes several changes to these income and expense considerations that could potentially expand or reduce program eligibility. First, it removes consideration of income from the homeowner's dependents when determining

"aggregate family income" and limits this income to adults living in the household. It also removes a provision that allowed CHFA to exclude from this income earnings from family members other than the chief wage earner.

The act further removes consideration of utility and heating expenses by striking them from the statutory definition of "housing expenses." It also eliminates a provision that allowed consideration of credit or installment debt for recreation or nonessential items from before the alleged circumstances beyond the homeowner's control up to an amount that would have caused the homeowner's total debt service to exceed 60% of aggregate family income. Thus, under the act, financial hardship excludes all obligations on prior credit or installment debt for recreation or nonessential items.

Eligibility Determination

Existing law requires CHFA to make its eligibility determination within 30 days after receiving a homeowner's application and sets out findings CHFA must make to give the assistance (e.g., involves a residential property that is the homeowner's primary residence, there are delinquent payments and no other default, and the homeowner is a state resident suffering financial hardship).

Under prior law, one of the findings CHFA had to make was that there was a reasonable prospect that the homeowner would be able to resume full mortgage payments within 60 months after the assistance payments began. The act (1) changes the time for resuming payments to within 60 months after the monetary default that caused the need for assistance and (2) allows CHFA to instead determine that homeowners meet the reasonable prospect finding if they will have sufficient equity to repay the mortgage and emergency assistance payments when the program payments end.

§§ 1 & 3 — PROGRAM PAYMENTS

From CHFA to the Lender

Prior law required CHFA to make monthly mortgage assistance payments to the mortgagees (i.e., lenders) and capped the duration of assistance at 60 months after the initial payment. The act allows the payments to be made monthly, lump sum, or any combination of both, as CHFA elects. It correspondingly ties this 60-month cap to a total amount of mortgage assistance payments and includes in that amount any payments CHFA makes to reinstate the mortgage or lien to a current status with the first assistance payment.

The act also authorizes CHFA to pay, as part of its first payment to a mortgagee, an amount that reduces a restructured mortgage's principal balance to a level that gives the homeowner a reasonable prospect of resuming full mortgage payments after applying all program payments.

From the Homeowner to CHFA

Because EMAP is a loan program, the law requires a participating homeowner to make monthly payments to CHFA instead of his or her monthly mortgage payments while CHFA is making the mortgage assistance payments. The loan amount equals the amount CHFA pays to the lender minus the amount the homeowner makes to CHFA.

Prior law capped these loan payments at a level that would not cause the homeowner's total housing expense to exceed 35% of his or her aggregate family income. The act (1) excludes utility and heating expenses from this calculation (by removing them from the definition of "housing expense"), (2) increases the cap to 45%, and (3) provides an exemption from the cap if the payment amount does not cause the ratio of the total housing expense to aggregate family income to exceed the same ratio for the one-year period immediately before the homeowner experienced the financial hardship that led to program participation.

The act increases CHFA's discretion in making program payments when a homeowner fails to pay CHFA as required. Specifically, prior law required CHFA to (1) review a homeowner's financial circumstances when the homeowner did not make the payment within seven days after the due date and (2) end payments if the delinquency was not due to additional financial hardship beyond the homeowner's control (thus allowing a foreclosure to proceed).

The act instead (1) only requires CHFA to do the review when the homeowner requests it and (2) allows CHFA to continue to make assistance payments to the lender. If the homeowner cannot show CHFA that the failure to pay was due to new financial hardship beyond his or her control, the act then allows CHFA to end payments.

§ 4 — REPAYMENT AGREEMENT

The law requires CHFA to have a repayment agreement with a participating homeowner for after assistance payments end, which is subject to certain conditions.

The act eliminates prior law's conditions requiring (1) CHFA to defer repayment until a homeowner's total housing expense, including projected repayments, was no more than 35% of his or her aggregate family income; (2) ongoing monthly payments if EMAP assistance remained unpaid when a mortgage was paid in full; and (3) interest on EMAP payments based on the cost of funds to the state that the treasurer set, beginning when the homeowner had to start repayment.

Instead, under the act, CHFA may enter into an agreement with the homeowner for any interest on assistance payments it made to be payable from time to time or accrue (compounded periodically or as simple interest). For accrued interest, the act requires CHFA to set its rate based on CHFA's procedures and the interest must start to accrue at the end of the 60-month period during which assistance payments were made.

Under the act, repayment of mortgage or lien assistance payments must be deferred until the homeowner (1) transfers title to the residential property involved, but not a transfer to another borrower under the same mortgage due to a divorce or the homeowner's death; (2) stops occupying the property as a primary home; or (3) gets new mortgage financing that increases the property's mortgage debt to an amount greater than when EMAP payments were first approved, excluding a home improvement loan to make necessary repairs to the property.

Additionally, existing law, unchanged by the act, allows CHFA to deny assistance and request immediate repayment of assistance payments it made if the homeowner misrepresents financial or other relevant information related to applying for the EMAP program. The act specifies that repayment may either be required in lump sum or installments, at CHFA's discretion, and requires interest up to a 12% annual rate.

Prior law required CHFA to have written procedures on periodically reviewing a homeowner's financial circumstances to determine repayment amounts. The act instead allows CHFA to waive its right to do these reviews.

By law, CHFA can take any appropriate action to recover its program payments when the homeowner fails to repay it.

§ 6 — NOTICE OF UNAVAILABLE FUNDING

By law, CHFA must notify lenders and lienholders when it runs out of funds for the program. This notice must indicate that CHFA will accept no applications until it receives funds. During this period of unavailable funds, lenders may proceed with foreclosure actions without notifying homeowners of their ability to apply for EMAP assistance and these foreclosures are not subject to any EMAP requirements. The act requires that the unavailable funding notice, and any subsequent notice disclosing that funds are again available, be posted on CHFA's website. Prior law did not specify the method for giving notice.

PA 24-75—sSB 121
Banking Committee
Judiciary Committee

AN ACT CONCERNING THE ATTORNEY GENERAL, THE BANKING COMMISSIONER, THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT AND TELEPHONIC SALES CALLS FOR SOLICITING CONSUMER GOODS OR SERVICES

SUMMARY: This act expands the attorney general's pre-trial investigative authority to enforce the federal Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act") by, among other things, authorizing him to issue subpoenas for documentary material, testimony, or responses to written interrogatories. It generally makes information he collects under subpoenas confidential and specifies when and to whom it may be disclosed. The act also allows him to apply to the Superior Court to enforce a subpoena, including requesting that the court impose a civil penalty of up to $10,000.

Under existing law, the attorney general may bring a civil action to enforce the provisions of the Dodd-Frank Act that state attorneys general are authorized to enforce (e.g., Title X of the act, a.k.a. the Consumer Financial Protection Act of 2010). He may also seek any relief that the Dodd-Frank Act authorizes state attorneys general to seek.

The act adds several associated provisions involving the "commissioner," which is the Connecticut banking commissioner and any person he authorizes or designates to carry out his position's functions other than any other state's banking regulatory authority (hereafter "banking commissioner"). For example, the act states that nothing in it limits the banking commissioner's authority to enforce the Dodd-Frank Act or any other state or federal law or regulation. It relatedly requires the attorney general to coordinate subpoenas with the banking commissioner and sets out several procedures for this process.

Lastly, the act makes unrelated minor and technical changes to a 2023-enacted prohibition on telemarketers making a telephonic sales call to a consumer without the consumer's prior express written consent.

EFFECTIVE DATE: October 1, 2024

SUBPOENA POWER

Scope of Power

The act generally allows the attorney general, during an investigation, to subpoena any person in or outside the state if he has a good faith reason to believe the person violated the provisions of the Dodd-Frank Act that he is authorized to enforce under existing federal law within Connecticut. Under the act, a "person" is an individual or a legal entity (e.g., a corporation, limited liability or joint-stock company, partnership, or association).

Regardless of this authority, the act restricts the attorney general from exercising visitorial powers, including issuing a subpoena under the act, against a national bank or federal savings association unless it is done in a way that is consistent with federal law. (Federal regulations generally restrict state officials from exercising visitorial powers over a national bank or federal savings association except in limited circumstances. They generally describe these powers as including the power to examine the entity, inspect its books and records, and regulate and supervise its activities. The regulations also specify that authorized enforcement actions brought by a state attorney general is not an exercise of visitorial powers (12 C.F.R. §§ 7.4000 & 7.4010).) Under the act, a "national bank" is any bank organized under U.S. law and any federal branch established according to the International Banking Act of 1978 (12 U.S.C. § 25b), and a "federal savings association" is a federal savings association or savings bank chartered under federal law (12 U.S.C. § 1462).

Procedures for Issuing

General. Under the act, before starting an action or proceeding against a person, the attorney general may specifically serve a demand, in writing and by subpoena, for him or her to:

1. submit "documentary material" (which includes written, recorded, or electronic information);
2. appear before the attorney general and testify in or outside the state; or
3. respond to written interrogatories.

The demand must be limited to information relevant to the scope of the alleged violation.

The act requires that subpoenas for documentary material state:

1. the nature of the alleged violation;
2. the types of material to be produced, described specifically enough to accurately identify them; and
3. a date that allows a reasonable time to respond.

Similarly, the act requires that all written interrogatories have a return date that allows a reasonable time to respond.

Subpoenas issued under the act cannot require anything that would be privileged or precluded from disclosure if demanded in a grand jury investigation.

Additionally, for subpoenas issued to a bank or out-of-state bank, the attorney general must describe the matters for examination in reasonable detail and advise the bank or out-of-state bank of its duty under the act to confer with the attorney general and to designate individuals who will testify (see below). Under the act, a "bank" is (1) a Connecticut-chartered or -organized bank and trust company, savings bank, or savings and loan association; (2) a national banking association, federal savings bank, or federal savings and loan association that has its principal offices in Connecticut; or (3) any affiliate as defined under federal law. An "out-of-state bank" is any institution that engages in the business of banking other than a "bank" or a Connecticut, federal, or out-of-state credit union, and includes any affiliate as defined under federal law (CGS § 36a-2).

For subpoenas to be issued to a bank or out-of-state bank, or their officers, directors, or employees, the attorney general must provide a draft of it to the bank's or out-of-state bank's "primary supervisory agency" (i.e., its primary state or federal chartering agency) at least 10 business days beforehand. If the agency identifies a material concern about an examination, investigation, administrative proceeding, or supervisory or regulatory matter within its authority, it may, within 10 business days after receiving the draft subpoena, request an opportunity to meet and confer with the attorney general. If this request is made, the attorney general, or his designee, must be made available to meet and confer with the primary supervisory agency within the next 10 business days.

Procedures When Banking Department Has Jurisdiction. The act requires the attorney general to coordinate with the banking commissioner whenever he intends to issue a subpoena to any person within the commissioner's jurisdiction or against whom the commissioner is authorized to take enforcement action. The attorney general must also submit a draft of the subpoena to the commissioner before issuing it, allowing for as much time as practicable under the circumstances.

Under general circumstances, within 10 business days after receiving a draft subpoena, the commissioner must either approve it, or, if he has material concerns about it, ask to meet with the attorney general to discuss them. These concerns must be related to an examination, investigation, administrative proceeding, or supervisory or regulatory matter within the commissioner's authority.

The attorney general may issue the subpoena (1) after the commissioner approves the draft subpoena, or (2) if the commissioner does not approve it or request a meeting, 10 business days after the commissioner received the draft. If the commissioner requests a meeting within the 10-business-day period, then he and the attorney general, or their designees, must hold a meeting within five business days after the attorney general receives the request. The act requires both the attorney general and the commissioner to make their best efforts to address the material concerns and reach an agreement on the draft subpoena and to not unreasonably withhold an agreement.

The act sets shorter time periods to respond and meet in the case of exigent circumstances. Specifically, the commissioner has two business days initially after receiving a draft subpoena rather than 10 and, if a meeting is requested, it must be held within two business days after receiving the request rather than five. To start this accelerated process, the attorney general must submit a written description of the exigent circumstances with the draft subpoena.

Service

Under the act, subpoenas, notices of deposition, and written interrogatories may be served by any proper officer on the person or at his or her usual residence. However, if this cannot be done after reasonable diligence, then service may be made by any proper officer or other person lawfully empowered to make service by registered or certified mail, return receipt requested, with a copy addressed to the person to be served at his or her (1) principal place of business in Connecticut, (2) in-state registered agent's place, or (3) usual residence or principal office when he or she does not have such a principal place of business or agent.

Procedures After Service

Promptly after a subpoena is served on a bank or out-of-state bank, the act requires the attorney general to request to confer in good faith with the bank about the examination matters set out in the subpoena. Additionally, when the attorney general issues a subpoena ad testificandum (i.e., subpoena to testify) to a bank, out-of-state bank, or one of their high-ranking officials, the bank or official may designate at least one officer, director, managing agent, or other individual who consents to testify on the bank's or official's behalf, and may determine the matters on which each individual will testify. Designated individuals must testify about information known or reasonably available to the bank or official. However, if the attorney general has a good faith belief that the high-ranking official has unique, direct knowledge about a Dodd-Frank Act violation and that the information the subpoena seeks could not be obtained through other, less burdensome or intrusive means, the act requires the official to testify. (The act expressly states that these provisions do not preclude any other procedure allowed under the act.)

For all subpoenas under the act, all testimony taken during a subpoenaed appearance before the attorney general and all written interrogatory responses provided must be under oath and not be publicly disclosed. A written transcript must be made of the testimony, with a copy given to the individual testifying.

Use and Disclosure of Information

The act requires that the following information be held in the attorney general's custody and not be disclosed to the public or subject to inspection or disclosure under the state's Freedom of Information Act:

1. the identity of people who submit documentary material, responses, or testimony to the attorney general and what they submit, whether they do so in response to a subpoena issued under the act or voluntarily, and
2. all information the attorney general obtains, collects, or prepares in connection with a Dodd-Frank Act investigation.

Under the act, documentary material that is submitted must be returned, or erased if it is electronic, when the investigation ends or on the final determination of an action or proceeding. The act allows a person who is served a subpoena to disclose its existence and any information he or she provides in response to it, unless prohibited by court order.

The act allows the attorney general to disclose "confidential material" (i.e., original or copies of documentary material, interrogatory responses, or written transcripts of oral testimony or other information produced under a subpoena) to a person orally testifying in a Dodd-Frank Act investigation when he:

1. reasonably determines its use is necessary to bring out evidence of a suspected Dodd-Frank Act violation that he is authorized by law to enforce, and
2. believes in good faith that the person testifying (a) is an author or recipient of the confidential material or (b) has read it or is aware of its substance.

The act prohibits the person testifying from keeping any of the confidential material.

The act further allows the attorney general, under certain conditions, to disclose any confidential material without waiving any privilege for any appropriate supervisory, governmental, law enforcement, or other public purpose, including in a civil action to enforce the Dodd-Frank Act. The attorney general may also cooperate with federal or state officials (including officials from other states), such as by sharing and disclosing information and evidence he obtains by subpoena. However, this disclosure or sharing of confidential material may be done only if (1) the attorney general determines that doing so will comply with applicable state or federal laws, regulations, or civil procedure rules that govern the right of federal and state government officials to access the information and evidence and (2) it is done under safeguards designed to prevent its further distribution. In any court proceeding, the act allows the court to issue a protective order in appropriate circumstances to protect the material's confidentiality, order it sealed, and exclude the public from any portion of the proceeding at which the material is disclosed.

Compliance

If a person refuses or otherwise fails to comply with a subpoena, the attorney general may apply to the judicial district where the person resides or maintains an office, or Hartford Superior Court if the person does not reside or maintain an office in Connecticut, for an order (1) requiring compliance, after a notice and serving the order on their person, or (2) imposing a civil penalty of up to $10,000, after notice and a hearing.

Quashing

The act allows any person who is served a subpoena issued under the act to file, within 10 business days after being served, a motion to quash it in the Superior Court for the judicial district where the person resides or maintains an office, or Hartford Superior Court if the person does not reside or maintain an office in Connecticut. No fees or costs may be assessed for the filing and the court must expeditiously assign and hear the motion. The person filing the motion must be designated as the plaintiff and the attorney general as the defendant. The court must set the date and time for the hearing and notify the parties about it.

Upon the filing of a motion to quash, any party to the proceeding may file a motion to seal or limit the disclosure of files, affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding. The court must hold a hearing on this motion.

The act authorizes the court to quash or modify any subpoena for any just cause, including because the:

1. information sought by the subpoena is (a) plainly irrelevant to the attorney general's investigation or (b) protected by attorney-client privilege or a statutory or constitutional privilege,
2. production of property sought by the subpoena would be unreasonable or oppressive, or
3. property sought by the subpoena constitutes attorney work product.

PA 24-77—sSB 123
Banking Committee
Judiciary Committee

AN ACT CONCERNING COERCED DEBT

SUMMARY: This act prohibits anyone from knowingly making another individual liable for "coerced debt" (i.e., generally, certain credit card debt incurred by a domestic violence victim who was coerced into incurring it).

The act also imposes specific obligations and responsibilities on coerced debt "claimants" (e.g., consumer collection agencies). Specifically, if a victim gives a claimant certain information and documentation that a debt is coerced debt, the claimant must pause all collection activities on the debt for at least 60 days, review the victim's submission and other available information it has, and then continue or end its collection based on the review. Among other things, if a claimant ends collection activities against a victim, and had given negative information about the victim to a consumer credit reporting agency, then the claimant must notify the agency to delete the information.

Additionally, if a court determines that a debt is coerced debt, then the individual who knowingly caused the coerced debt is civilly liable to the claimant for the coerced debt amount and may be civilly liable for the debtor's reasonable attorney's fees and costs in establishing that the debt was coerced.

Lastly, the act explicitly states that it does not:

1. require a court to order a claimant to refund any money already paid on a debt that is determined to be coerced debt;
2. diminish the rights of a claimant to recover payment for any coerced debt from any individual who, as determined by the claimant, has coerced a debtor into incurring the coerced debt;
3. reduce or eliminate any other rights or defenses available to a debtor at law or in equity; or
4. reduce or eliminate any other rights or defenses available to a party determined by the claimant to have coerced the debt.

EFFECTIVE DATE: January 1, 2025

§ 1 — DEFINITIONS

Claimant, Claim, and Debtor

Under the act, a "claimant" is an entity that has or purports to have a claim to collect a coerced debt or an allegedly coerced debt against the debtor of that debt. It explicitly includes a consumer collection agency and the entity's successor or assignee. By law, a "consumer collection agency" is generally any person engaged in the business of (1) collecting or receiving payment from a debtor on behalf of a third party, (2) debt buying, or (3) collecting or receiving tax payments.

The act defines a "claim" as a right to receive payment of a credit card debt. A "debtor" is an individual against whom a claimant asserts a claim arising from coerced debt or allegedly coerced debt.

Coerced Debt and Debt

Under the act, "coerced debt" is any debt incurred in the name of a debtor who is a domestic violence victim in response to any duress, intimidation, threat of force, force, or undue influence used to specifically coerce the debtor into incurring the debt.

The act defines "debt" as all or part of any unsecured credit card debt incurred on or after January 1, 2025, for personal, family, or household use that was (1) not subject to a final judgment in a divorce action or collection matter that took place before the debtor requests that the claimant waive the debt or (2) incurred more than 10 years before the request date.

Domestic Violence

By law and under the act, "domestic violence" is:

1. a continuous threat of present physical pain or physical injury against a family or household member;
2. stalking, including 2nd degree stalking, of a family or household member;
3. a pattern of threatening, including 2nd degree threatening, of a family or household member or a third party that intimidates the family or household member; or
4. coercive control of a family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty.

Existing law specifies that "coercive control" includes unreasonably:

1. isolating a family or household member from friends, relatives, or other support;
2. depriving the family or household member of basic necessities;
3. controlling, regulating, or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources, or access to services;
4. compelling the family or household member by force, threat, or intimidation, including threats based on actual or suspected immigration status to (a) do something they have a right not to do or (b) not do something they have a right to do;
5. committing or threatening to commit cruelty to animals that intimidates the family or household member; or
6. forcing the performance of sex acts or making threats of a sexual nature, including threatened acts of sexual conduct, threats based on a person's sexuality, or threats to release sexual images (CGS § 46b-1).

By law, "family or household members" are any of the following, regardless of age:

1. spouses or former spouses;
2. parents or their children;
3. people related by blood or marriage;
4. people not related by blood or marriage living together or who have lived together;
5. people who have a child in common, regardless of whether they are or have been married or have lived together; and
6. people who are or were recently dating (CGS § 46b-38a).

§§ 1 & 3 — CLAIMANT COLLECTION ACTIVITIES

Written Documentation of Coerced Debt

Generally, under the act, a claimant must pause all collection activities on a debt identified by a debtor as coerced debt until the claimant has completed a review required by the act if the debtor gives the claimant specified information and documentation. The act defines "collection activities" as any activity of a claimant to collect or attempt to collect a debt owed, due, or asserted to be owed or due, including starting or proceeding with a court action.

Information and Documentation. To qualify for the collection pause under the act, the debtor must give the claimant the following information and documentation, certified by the debtor:

1. an identification of the debt alleged to be coerced debt;
2. a description of the circumstances under which the allegedly coerced debt was incurred;
3. an attested to written statement by the debtor disclosing (a) that the debtor did not willingly authorize the use of the debtor's name or personal information to incur the debt; (b) specific facts supporting the debtor's allegation, if available; and (c) the part of the debt that the debtor alleges is coerced debt, if the debtor alleges that only part of the debt is coerced debt;
4. any information known by the debtor, including any credit card number and the individual in whose name the debt was incurred;
5. a telephone number that the claimant may use to contact the debtor to get more information from, or pose questions to, the debtor about the debt, or, if the debtor prefers to communicate with the claimant in writing, a statement by the debtor indicating that the claimant must communicate with the debtor about the debt exclusively in writing and disclosing the debtor's mailing address, email address, or both; and
6. any other documents the debtor deems appropriate to support the request.

Under the act, the information and documentation also must include the identity of and, if known by the debtor, contact information for the individual whom the debtor alleges coerced the debtor into incurring the debt, unless the debtor signs a sworn statement that disclosing the information is likely to result in abuse to the debtor or any immediate family member of the debtor. By law, an "immediate family member" is a spouse, child, sibling, parent, grandparent, or grandchild and includes stepparents, stepchildren, stepsiblings, and adoptive relationships (CGS § 36a-485).

Supporting Documentation. In support of the above information, the debtor must also attach at least one of the following:

1. a police report,
2. a court-issued restraining order or protective order, or
3. a specific document prepared by a qualified third-party professional.

Under the act, a "qualified third-party professional" is a Connecticut-credentialed domestic violence or sexual assault counselor, psychiatrist, psychologist, clinical social worker, marital and family therapist, or professional counselor.

The document from a qualified third-party professional must:

1. be based on information the professional received while acting in his or her professional capacity;
2. be certified by the professional as specified in the act (see below); and
3. display the letterhead, address, and telephone number of the (a) office, institution, center, or organization that has engaged or employs the professional regardless of whether he or she is financially compensated or (b) professional if he or she is self-employed.

Certification Requirements. The act requires that the above certifications be in substantially the following form:

"I declare under penalty of perjury that the representations made herein are true, correct, and contain no material omissions of fact.

Dated at ...., Connecticut, this .... day of ...., 20...

.... (Signature)".

Delivery Method. The act requires the debtor to send the above information and documentation by certified mail, overnight delivery, or any other delivery method allowing for confirmation of the documentation's delivery date. The address the debtor uses for this must be the one the claimant provides to the debtor for the purpose of receiving the documentation or, if the claimant has not provided any address, the claimant's principal place of business as identified on the secretary of the state's website. If an address is unavailable through that website, the debtor may use the claimant's correspondence address.

Claimants' and Debtors' Duties

Under the act, if a debtor orally notifies a claimant that all or part of the debt being collected is coerced debt and "requests that the claimant waive such debt," and if the claimant does not permanently stop collection activities on the debt against the debtor, the claimant must notify the debtor, in writing and within 10 days after, that the debtor's request must be in writing and according to the act's information and documentation and delivery requirements. Under the act, these are requests that a claimant waive, forgive, excuse, write off, or not collect all or part of a debt.

Additionally, if a legal action brought by the claimant is pending, then the debtor, before sending the information and documentation, must file a notice with the court, on a form prescribed by the judicial branch, informing the court of the review pending with the claimant.

Claimants' Review and Determination

Within 10 days after a claimant receives the above information and documentation, the claimant must (1) pause collection efforts for 60 days or until it completes its investigation, whichever is longer, and (2) conduct a good-faith review to determine whether the debt is coerced debt after considering all the information and documentation provided by the debtor and all other relevant information available to the claimant. The act prohibits the claimant from (1) starting a legal action to collect the debt while completing the review and (2) if an action is pending, proceeding with it while completing the review.

Additionally, if the claimant previously gave negative information about the debtor to a credit rating agency, the claimant must notify the agency that the debt identified by the debtor is disputed. Under the act, "negative information" is information concerning a customer's delinquencies, late payments, insolvency, or any form of default (15 U.S.C. § 1681s-2(a)(7)).

Within 10 days after the claimant completes the review, the claimant must notify the debtor, in writing, of the claimant's determination and the basis for it.

If the claimant determines, in good faith, that the available information establishes that the debt is coerced debt, the claimant must grant the debtor's request and permanently stop its collection activities against the debtor for the coerced debt. If a legal action brought by the claimant is pending, the claimant must file a notice with the court informing it of the review's conclusion and the release determination. Additionally, if the claimant gave negative information to a credit rating agency in connection with the coerced debt, it must also notify the agency, within 10 business days after the claimant's determination, to delete the information.

Conversely, if the claimant determines, in good faith, that the available information does not establish that the debt is coerced debt, the claimant may continue its collection activities for the debt after it notifies the debtor, in writing, about its determination. If a legal action brought by the claimant is pending, the claimant must file a notice with the court informing it of the review's conclusion and the resulting determination.

Statute of Limitations Tolling and One-Use Limitation

For debts where a debtor has submitted the required information and documentation to a claimant or given the above oral notice, the act requires that any statute of limitations that may apply to a claimant's claim on the debt be tolled for the time that the claimant is temporarily prevented by the act from starting a legal action on any portion of the debt.

The act also prohibits debtors from using the above process more than one time for all or part of the same debt.

PA 24-84—sHB 5146
Banking Committee

AN ACT CONCERNING DISCLOSURES OF FINANCIAL RECORDS

SUMMARY: This act requires financial institutions to give customer financial records to the Department of Social Services (DSS) commissioner, or anyone deputized by her, within 20 calendar days after receiving a certificate signed by either. Prior law did not impose a specific deadline, but instead generally required anyone with information about someone's eligibility for certain state aid, care, or child support enforcement services (e.g., Medicaid and child support payment collections) to disclose it when presented with a signed certificate by, among others, the DSS commissioner or anyone deputized by her (CGS § 17b-137(a)).

The act also changes two banking laws to conform with this social services law. Under these laws, financial institutions (1) are generally prohibited from disclosing a customer's financial records to anyone other than the customer or his or her agent unless, among other exceptions, the institution does so in response to a signed certificate by the Department of Administrative Services or DSS commissioners, and (2) must disclose financial records according to a signed certificate from either. The act expressly adds references to people deputized by either commissioner as having authority to sign the certificates under these laws.

Under existing law and the act, it is a class C misdemeanor (see Table on Penalties) for (1) any financial institution officer or employee to knowingly and willfully furnish financial records in violation of the above banking laws and (2) anyone to knowingly and willfully induce or attempt to induce any financial institution officer or employee to disclose financial records in violation of the same. However, these penalty laws do not apply to the 20-day deadline established under the act.
EFFECTIVE DATE: October 1, 2024

APPLICABILITY

The act applies to any "financial institution," which is a bank, Connecticut credit union, federal credit union, out-of-state bank that maintains a branch in this state, or out-of-state credit union that maintains an office in this state. By law, "financial records" are any physical or electronic originals or copies of:

1. a document granting signature authority over a deposit account or a share account with a financial institution;
2. a statement, ledger card, or other record on any deposit account or share account with a financial institution that shows each transaction in or with respect to that account;
3. any check, draft, or money order drawn on a financial institution or issued and payable by it; or
4. any item, other than an institutional or periodic charge, made pursuant to any agreement by a financial institution and a customer that constitutes a debit or credit to that person's deposit account or share account with the institution if the item is not included as a check, draft, or money order above (CGS § 36a-41).

PA 24-146—sHB 5211
Banking Committee

AN ACT CONCERNING VIRTUAL CURRENCY AND MONEY TRANSMISSION

SUMMARY: PA 23-82 generally (1) authorized the banking commissioner to regulate the business use of digital assets by entities and individuals under his regulatory jurisdiction and (2) created several requirements regulating virtual currency kiosks. This act makes various changes to those provisions and related parts of the state's Money Transmission Act, which regulates businesses, other than banks or credit unions, that receive and transmit money.

Principally, the act:

1. explicitly adds nonfungible tokens (a.k.a. NFTs) to the list of examples of "digital assets" the banking commissioner may regulate (§ 5);
2. makes several changes regarding eligibility and the process by which virtual currency kiosk customers can receive refunds, principally by limiting their availability to fraudulent virtual currency transactions (§ 4(h));
3. eliminates the banking commissioner's authority to set a schedule of maximum service fees for virtual currency kiosks and instead caps the total amount of service fees and commission charges at 15% per transaction (§ 4(f));
4. directs money transmitters to have a plan and accounting for winding down operations, which the act outlines (e.g., records of sufficient finances and procedures for disbursing funds) (§ 3(d)); and
5. prohibits money transmitters from ending their businesses until certain notices and information are given to the banking commissioner and consumers, funds have been distributed, and the commissioner has accepted the transmitter's request to surrender its license (§ 3(e)).

The act also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2024

§ 1 — MONEY TRANSMISSION ACT DEFINITION CHANGES

Limitation

The act adds a limitation that applies to all the Money Transmission Act's definitions. Specifically, that the definitions apply unless the context requires otherwise.

Permissible Investment

By law, "permissible investment" includes, among other things, cash in U.S. currency. The act specifies that this cash includes cash equivalents, demand deposits, savings deposits, and funds in demand deposit and savings deposit accounts held in an insured depository institution for the benefit of the customers of a "licensee" (i.e., any person licensed or required to be licensed as a money transmitter). Under the act, cash equivalents include:

1. automated clearing house items in transit to a licensee or payee;
2. international wires in transit to a payee;
3. cash in transit via armored car;
4. cash in smart safes;
5. cash in locations owned by licensees;
6. transmission receivables funded by debit cards or credit cards and owed by any bank; and
7. money market mutual funds rated "AAA" or the equivalent by S&P Global, Incorporated in the "S&P Global Ratings" or by any other rating service recognized by the banking commissioner.

The act's change affects several requirements for permissible investments in the Money Transmission Act. The affected existing provisions generally require:

1. money transmission license applicants to include a list of their permissible investments with their applications (CGS § 36a-598),
2. money transmission licensees to maintain permissible investments having a value at least equal to the aggregate amount of their outstanding money transmissions in Connecticut (CGS § 36a-603), and
3. money transmission licensees to file a list of permissible investments with the banking commissioner within 90 days after their fiscal year ends (CGS § 36a-606).

§§ 1 & 4 — VIRTUAL CURRENCY KIOSKS AND OTHER MONEY TRANSMISSION ACT DEFINITION CHANGES

Material Risk Disclosures

Before entering into an initial virtual currency transaction for, on behalf of, or with a customer, existing law requires virtual currency kiosk owners and operators to disclose all material risks generally associated with virtual currency in clear, conspicuous, and legibly written English. Under prior law, this included at least the following:

1. there is no assurance that a person who accepts a virtual currency as payment today will do so in the future,
2. the nature of virtual currency may lead to an increased risk of fraud or cyber attack, and
3. the nature of virtual currency means that any technological difficulties experienced by the owner or operator may prevent access to or use of a customer's virtual currency.

The act removes these three specific disclosures and adds a new one: that virtual currency transactions are irreversible and are used by people seeking to defraud customers, including by someone impersonating a customer's loved one, threatening jail time, stating that a customer's identity has been stolen, insisting that a customer withdraw money from the customer's bank account and purchase cryptocurrency, or alleging a customer's personal computer has been hacked.

Terms and Conditions of Products, Services, and Activities

When opening an account for a new customer and before entering into an initial virtual currency transaction for, on behalf of, or with the customer, existing law requires kiosk owners and operators to disclose all relevant terms and conditions generally associated with the products, services, and activities of the owner or operator and virtual currency.

The act adds a definition for "new customer" that applies to the state's virtual currency kiosk statute and other Money Transmission Act laws. It specifically defines a "new customer" as a consumer who (1) is engaging in a transaction at a virtual currency kiosk in Connecticut, (2) has performed fewer than three virtual currency transactions with the virtual currency kiosk owner or operator, and (3) has been registered as a customer of the owner or operator for less than 72 hours.

The act makes several changes to the specific disclosures for new customers. It removes a disclosure about the customer's right to receive periodic account statements and valuations from the owner or operator. The act adds a disclosure about the requirement for the owner or operator to communicate to the customer what customer information may be disclosed to third parties. It also modifies two other disclosures.

Prior law required disclosing the customer's right to (1) receive a receipt, trade ticket, or other evidence of a transaction and (2) prior notice about a change in the rules or policies of the owner or operator. The act instead, respectively, requires disclosing the customer's right to (1) receive a physical, printed receipt for a virtual currency transaction at the time of the transaction and (2) consent to any change in the owner's or operator's rules or policies before performing any transaction after such a change.

The act adds a definition for "receipt" that applies to the state's virtual currency kiosk statute and other Money Transmission Act laws. It specifically defines a "receipt" as a paper record, electronic record, or other written confirmation of a money transmission transaction.

Receipts

Upon a transaction's completion, existing law requires kiosk owners and operators to give customers a receipt with certain information. The act generally carries the prior list of information forward with several additions. All together, a receipt must have the following information:

1. the owner's or operator's name and contact information, including their business address and a customer service telephone number to answer questions and register complaints;
2. the customer's name;
3. the type, value, date, and precise time of the transaction and each "virtual currency address" (i.e., an alphanumeric identifier representing a destination for a virtual currency transfer that is associated with a "virtual currency wallet," which is a software application or other mechanism that provides a means for holding, storing, and transferring virtual currency);
4. the virtual currency transaction amount expressed in U.S. currency;
5. the full unique transaction hash or identification number;
6. the customer's public virtual currency address;
7. the unique identifier;
8. any fee charged, including any fee charged directly or indirectly by the owner or operator or a third party involved

in the virtual currency transaction;
9. the exchange rate, if applicable;
10. any tax collected by the owner or operator for the virtual currency transaction;
11. a statement of the owner's or operator's liability for non-delivery or delayed delivery;
12. a statement of the owner's or operator's refund policy;
13. the Department of Banking's name and telephone number and a statement disclosing that the owner or operator's customers may contact the department with questions or complaints about their kiosk services; and
14. any additional information the banking commissioner may require.

The act further requires that the receipt be provided in (1) a retainable form; (2) the English language; and (3) the language principally used by the kiosk's owner or operator to advertise, solicit, or negotiate, either orally or in writing. It allows the receipt to be provided electronically if the customer requests or agrees to receive an electronic receipt.

Fees

Prior law allowed the banking commissioner to establish a schedule of maximum fees that a virtual currency kiosk owner or operator could charge for specific services. The act eliminates this authority and instead caps the total amount of any fee and commission that may be charged for specific services for a virtual currency transaction at 15% of the amount of the transaction.

Daily Transaction Limits

The act modifies and bifurcates the prior maximum daily virtual currency kiosk transaction limit. Prior law set the limit at $2,500 for each virtual currency kiosk customer. The act instead sets a (1) $2,000 limit for each "new customer" (see above) and (2) $5,000 limit for each existing customer.

The act adds a definition for "existing customer" that applies to the state's virtual currency kiosk statute and other Money Transmission Act laws. It defines an "existing customer" as a consumer who (1) is engaging in a transaction at a virtual currency kiosk in Connecticut, (2) has performed three or more virtual currency transactions with the virtual currency kiosk owner or operator, and (3) has been registered as the owner's or operator's customer for more than 72 hours.

Refunds

The act makes several changes regarding eligibility and the process by which virtual currency kiosk customers can receive refunds. Under prior law, virtual currency kiosk owners and operators had to allow customers to cancel and receive a full refund, at the owner's or operator's cost, for a virtual currency transaction within 72 hours afterwards if it was (1) a customer's first transaction with the owner or operator and (2) to a virtual currency wallet or exchange located outside of the United States.

The act instead requires kiosk owners and operators to allow a "new customer" (see above), upon his or her request, to cancel and receive a full refund for any fraudulent virtual currency transactions that took place within 72 hours after the new customer registered as a customer of the owner and operator if, within 30 days after the last virtual currency transaction that occurred during the 72-hour period, the new customer:
1. contacts the owner or operator and a government or law enforcement agency to inform them about the fraudulent nature of the transaction and
2. files a report with a government or law enforcement agency memorializing the fraudulent nature of the transaction.

Safeguard Duties on Kiosk Owners and Operators

The act requires each kiosk owner and operator to:
1. obtain a copy of a government-issued identification card that identifies each of their customers;
2. maintain restrictions that prevent more than one of their customers from using the same virtual currency wallet;
3. be able to prevent designated virtual currency wallets from being used at any of the virtual currency kiosks they own or operate;
4. use an established third party that specializes in performing blockchain analyses to preemptively perform blockchain analyses to identify and prevent high risk or sanctioned virtual currency wallets from being used by customers at the virtual currency kiosks they own or operate;
5. define, in their policies and procedures, a risk-based method of monitoring their customers on a post-transaction basis;

6. offer, during the kiosks' hours of operation, live customer support by telephone from a telephone number prominently displayed at or on the kiosks;
7. identify and speak by telephone with any new customer over age 60 before he or she completes his or her first virtual currency transaction with the owner or operator; record and retain the communication, during which the owner or operator must (a) reconfirm any attestations made by the new customer, (b) discuss the transaction, and (c) discuss types of fraudulent schemes relating to virtual currency; and make approval of the transaction dependent upon their assessment of the communication;
8. identify and speak by telephone with any new customer attempting to perform a virtual currency transaction that exceeds an amount that has been predesignated by the owner or operator as a large transaction amount before it may be completed; record and retain the communication, during which the owner or operator must (a) positively identify the new customer, (b) review the new customer's stated purpose of the transaction, and (c) discuss types of fraudulent schemes relating to virtual currency; and make approval of the transaction dependent upon their assessment of the communication;
9. designate and employ a chief compliance officer who must (a) be qualified to coordinate and monitor a program to ensure compliance with Connecticut's virtual currency kiosk law and all other applicable federal and state laws, rules, and regulations; (b) be employed on a full-time basis by the owner or operator; and (c) not own more than 20% of the virtual currency kiosk owner or operator that employs the officer; and
10. use full-time employees to fulfill their compliance responsibilities under federal and state laws, rules, and regulations.

§§ 1 & 5 — DIGITAL ASSET REGULATION AND THE MONEY TRANSMISSION ACT

Existing law allows the banking commissioner to adopt regulations, forms, and orders governing the business use of digital assets by entities and individuals under his regulatory jurisdiction. By law, "digital assets" include virtual currencies and stablecoins. The act applies an existing definition of virtual currency and explicitly adds nonfungible tokens as another example of these "digital assets."

Prior law did not define virtual currency for the purposes of regulating digital assets. The act extends the existing definition of "virtual currency" under the Money Transmission Act to this law, which is a digital unit (1) used as a medium of exchange or form of digitally stored value or (2) incorporated into payment system technology. It includes digital units of exchange that have a centralized repository or administrator, are decentralized without a centralized repository or administrator, or may be created or obtained by computing or manufacturing effort. Virtual currency does not include digital units used:

1. solely in online gaming platforms with no other market or application, or
2. exclusively in a consumer affinity or rewards program that (a) can be used only as payment for purchases with the issuer or another designated merchant and (b) cannot be converted into, or redeemed for, fiat currency.

The act does not define what nonfungible tokens includes, but it specifically excludes tokens issued or sold primarily for consumptive, personal, or household purposes. Existing law, unchanged by the act, similarly does not define stablecoins. (The Federal Reserve has referred to stablecoins as cryptocurrencies that peg their value to a real-world asset, typically the U.S. dollar.)

By law, the commissioner's regulations, forms, and orders must ensure consumer protection and the commissioner may consult with federal and other states' financial services regulators, other stakeholders, and industry professionals to ensure that digital assets receive, to the extent practicable, consistent treatment.

Under existing law, the commissioner has broad, general authority to adopt regulations within the jurisdiction of his position (CGS § 36a-10). The banking commissioner administers and enforces laws that apply to, among others, state-chartered banks and credit unions, mortgage lenders and brokers, small loan lenders, consumer collection agencies, money transmission businesses, securities broker-dealers, and investment advisors (CGS Titles 36a & 36b).

§ 2 — LICENSING AND VIRTUAL CURRENCY KIOSKS

The act explicitly requires, on and after October 1, 2024, any person who owns, operates, solicits, markets, advertises, or facilitates virtual currency kiosks physically located in Connecticut to have a money transmission license.

Existing law already prohibits any person from engaging in the business of money transmission, or advertising or soliciting money transmitter services, without the license. PA 23-82 specified that using virtual currency kiosks to engage in the business of transmitting money or monetary value is a type of "money transmission" under state law, which effectively subjected kiosk owners, operators, and others to the licensing and other existing requirements under the state's Money Transmission Act.

§ 3 — LICENSEE WIND DOWN PLANNING AND EXECUTION

The act requires each money transmission licensee to maintain a detailed plan and accounting as to how it will engage in winding down operations, which they must give to the banking commissioner upon request.

The plan and accounting must contain:

1. a record showing that the licensee has enough minimum net worth and reserves to prevent losses to consumers and purchasers and to repay any outstanding obligations or accounts payable;
2. procedures to ensure that after winding down operations the licensee will not retain any consumer funds, purchaser funds, or other client funds;
3. a plan demonstrating that consumers will have access to consumer funds in the licensee's custody;
4. detailed instructions informing consumers how they may withdraw consumer funds upon request; and
5. any other records and information the commissioner requests regarding winding down operations.

The act also prohibits licensees from terminating their businesses unless the licensee does the following:

1. gives the commissioner written notice about the proposed termination at least 30 days before its effective date;
2. notifies, in writing, all its consumers, purchasers, and users about the proposed termination and its date at least 30 days beforehand;
3. gives all its consumers, purchasers, and users detailed final accountings of their accounts;
4. remits all money held in its custody on behalf of consumers, purchasers, and users to them; and
5. files a request to surrender its license and the commissioner accepts the request.

PA 24-49—sSB 215
Committee on Children

AN ACT CONCERNING YOUTH CAMPS

SUMMARY: This act makes various changes affecting the regulation of youth camps, including the following:

1. requiring the Office of Early Childhood (OEC) to repeat the facility inspection required under existing law for initial youth camp licensure within 72 hours after the (a) camp operations start and (b) office approves a corrective action plan, and then weekly after that until it determines the licensee fully complies with the plan (§ 1);
2. establishing a priority order OEC must follow when inspecting youth camps, giving priority to initial licensure applicants and single-week youth camps (§ 1);
3. authorizing the OEC commissioner to take various disciplinary actions (e.g., license refusal, suspension, or revocation) against a youth camp licensee if the operator or an employee held a youth camp license in another state that was revoked (§ 4); and
4. establishing a Youth Camp Safety Advisory Council within OEC to advise the commissioner on youth camp safety (§ 2).

The act also makes minor and technical changes.

EFFECTIVE DATE: July 1, 2024

§§ 1 & 4 — OEC YOUTH CAMP LICENSURE

Facility Inspection Frequency

Existing law requires OEC, before issuing an initial youth camp license, to inspect, or cause to be inspected, the camp's facilities. The act requires OEC to repeat the inspection within 72 hours after the (1) youth camp starts operating and (2) office approves a corrective action plan for the licensee, and then weekly after that until the office determines that the licensee fully complies with the plan.

The law, unchanged by the act, also requires OEC to annually inspect, or cause to be inspected, all licensees' facilities.

Facility Inspection Priority

When inspecting youth camps, the act requires OEC to prioritize initial licensure applicants and licensees who operate single-week youth camps. For the latter, the inspections must be done within 48 hours after the youth camp starts operating in a given year.

Conversely, it requires OEC to give less priority to licensees that (1) are nationally accredited by the American Camp Association or the Boy Scouts of America's National Camp Accreditation Program or (2) have no complaints or violations filed against them during the prior five years.

License Refusal, Suspension, or Revocation

The act authorizes the OEC commissioner to (1) refuse to license a person to establish or maintain a youth camp; (2) suspend or revoke a license; or (3) take any other action authorized under regulation if a person who establishes, conducts, or maintains a youth camp, or an employee in a position connected with providing care to a child or involving unsupervised access to a child, held a youth camp license in another state that was revoked by that state's licensing authority.

The law already authorizes the commissioner to take these actions if a person or employee has:

1. been convicted of certain crimes in any state (e.g., injury or risk of injury to or impairing the morals of children) or
2. a criminal record that the commissioner reasonably believes makes the person unsuitable to establish, conduct, maintain, or be employed by a youth camp.

By law, the commissioner's refusal of a license must follow the human rights and opportunities statutes prohibiting discrimination based on erased criminal history record information.

§ 2 — YOUTH CAMP SAFETY ADVISORY COUNCIL

Membership

The act establishes a Youth Camp Safety Advisory Council within OEC to advise the commissioner on youth camp safety. The council's membership must at least include the following 11 appointees who serve three-year terms without compensation:

1. a Connecticut Camping Association representative, appointed by the House speaker;
2. a Connecticut Recreation and Parks Association representative, appointed by the Senate president pro tempore;
3. two representatives of Connecticut nonprofit youth service organizations with a camping program, appointed one each by the House and Senate majority leaders;
4. two representatives of day camps, appointed one each by the House minority leader and Children's Committee House chairperson;
5. two representatives of resident camps, appointed one each by the Senate minority leader and Children's Committee Senate chairperson;
6. a sports camp representative and an independent school camp representative, both appointed by the governor; and
7. a representative of a university that hosts or conducts a summer camp, appointed by the OEC commissioner.

Under the act, appointing authorities must make their appointments by September 1, 2024, and fill any vacancy. The commissioner may appoint any additional members based on their expertise and the council's needs.

Meetings and Governance

The act requires the OEC commissioner to schedule and hold the council's first meeting by September 15, 2024. At the first meeting, and annually after that, the members must elect the council's chairpersons from among the members. The council may also elect other officers it deems necessary.

The council must meet at least quarterly and when the chairperson deems it necessary or a majority of members request it. The OEC commissioner must meet at least annually with the council.

Under the act, any member who fails to attend 50% of all meetings held during any calendar year must be deemed to have resigned from the council.

The act requires OEC to provide administrative assistance to facilitate the council's activities.

PA 24-79—SB 127
Committee on Children

AN ACT CONCERNING THE RECOMMENDATIONS OF THE DEPARTMENT OF CHILDREN AND FAMILIES RELATING TO BACKGROUND CHECKS, CERTAIN SUBSIDIES, URGENT CRISIS CENTERS, DEPARTMENTAL RECORDS AND SPECIAL POLICE OFFICERS

SUMMARY: This act makes various unrelated changes in laws addressing the Department of Children and Families (DCF) matters, such as background checks for emergency child placement and adoption and foster care approval, adoptive parent subsidies, urgent crisis centers, record disclosure, and special police officers.

Regarding the child placement and background check-related changes, the act limits foster care emergency placement to relatives and fictive kin caregivers and eliminates caregiver attestation as a placement condition; requires DCF to check the child abuse and neglect registry; requires name-based searches and criminal history records checks only for household members age 18 or older; and increases, from 16 to 18, the age when license and approval applicants and household members must submit to criminal history records check and limits it to once in a 12-month period (§§ 1 & 10).

Among other things, it also does the following:

1. allows DCF, upon the death, severe disability, or serious illness of a subsidized adoptive parent, to transfer the subsidy to a successor adoptive parent (§ 2);
2. allows urgent crisis centers to be DCF-certified rather than DCF-licensed, which allows them to be licensed by other state agencies (§§ 3 & 4);
3. expands the purposes for which DCF must disclose, without the subject's consent, records to the Department of Public Health (DPH) to include the licensing of the Albert J. Solnit Children's Center (see BACKGROUND) (§ 5);
4. requires the DCF-designated directory manager to disclose to DCF, upon the department's request, the educational records of children who are (a) residing in a juvenile justice facility or (b) incarcerated and in an educational program (§ 6);
5. requires the Department of Emergency Services and Public Protection (DESPP) commissioner to appoint up to two people to act as special police officers at DCF to assist with background checks, among other things (§§ 7 & 8); and
6. makes minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2024

§§ 1 & 10 — BACKGROUND CHECKS RELATED TO CHILD PLACEMENT AND ADOPTION AND FOSTER CARE APPROVAL

The act makes various changes to the background check requirements necessary before DCF can (1) place a child with certain individuals under certain circumstances (i.e., emergency placement, including placement with a relative or fictive kin caregiver) or (2) issue an initial or renewal foster care license or approval for adoption or foster care.

Relative and Fictive Kin Emergency Placement (§§ 1(c) & 10)

Under the law and the act, a "fictive kin caregiver" is a person age 21 or older and unrelated to a child by birth, adoption, or marriage, but who has an emotionally significant family-like relationship with the child. Under specified circumstances, the law allows the DCF commissioner to place a child in the agency's custody with a relative or fictive kin caregiver who is not DCF-licensed or -approved. Prior law also allowed the commissioner to place the child on an emergency basis with certain individuals, such as relatives and fictive kin caregivers.

Emergency Placement Limited. The act repeals the provisions that allowed the DCF commissioner to place a child in the home of a private individual, including a neighbor, friend, or relative of a child, because of the sudden unavailability of the child's primary caretaker (i.e., "emergency placement"). Simultaneously, it generally applies prior law's background check requirements for emergency placements to cases where, in the best interest of the child and under certain circumstances, the commissioner places the child with a relative or fictive kin caregiver who is not DCF-licensed or -approved. In doing so, the act generally limits emergency placements to relatives and fictive kin caregivers who pass certain background checks (see below).

Caregiver Attestation Eliminated. The act modifies certain relative or fictive kin placement conditions while leaving others unchanged. Under the law, unchanged by the act, before DCF may place a child with a relative or fictive kin caregiver, it must conduct a satisfactory home visit and complete a basic assessment of the family. Prior law also required the caregiver to attest that he or she and anyone living in the household has not been convicted of a crime or arrested for certain felonies, including (1) injury or risk of injury to, or impairing the morals of, a child; or (2) possession, sale, or use of a controlled substance. The act eliminates the requirement for the caregiver's attestation.

Federal Name-Based Criminal History Search Required. For relative or fictive kin placement, the act specifically requires DCF to request a federal name-based criminal history search from a criminal justice agency for anyone age 18 or older living in the home where a child has been placed. For emergency placements under prior law, the commissioner was allowed, rather than required, to request the name-based search for anyone residing in the home regardless of age.

Unchanged by the act, if a name-based search results in placement denial or removal of the child from the home, the person may request a state or federal criminal history records check as described below.

Child Abuse and Neglect Registry Check Required. In addition to the federal name-based criminal history search described above, the act requires the commissioner when making the placement with a relative or fictive kin caregiver to check the state's child abuse and neglect registry for each household member age 18 or older. This was not required for emergency placements under prior law.

Reasonable Prudent Parent Standard (§ 1(d))

As is required under existing law for individuals licensed or approved to adopt or provide foster care, the act specifies that any relative or fictive kin caregiver with whom a child has been placed under its provisions must apply a reasonable and prudent parent standard on behalf of the child. By law, a "reasonable and prudent parent standard" is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child (CGS § 17a-114d(a)).

State and National Criminal History Records Checks. The act increases, from 5 to 10, the number of calendar days after the name-based search is done, by which DCF must ask the State Police Bureau of Identification to do a full state and national criminal history records check. Under prior law, for all emergency placements this applied to anyone living in the home. Under the act, this applies only to those age 18 or older living in the prospective relative or fictive kin caregiver's home. The act maintains the requirement for the commissioner to immediately remove the child from the home if anyone refuses to give fingerprints or other identifying information for these criminal history records checks when requested.

Background Checks for Foster Care Licensure or Approval to Adopt or Provide Foster Care (§ 1(b))

By law, the DCF commissioner must require (1) applicants for (a) foster care licensure or (b) approval to adopt or provide foster care and (2) certain people living in the applicant's household to submit to state and national criminal history records checks before issuing the initial license or approval and before renewing them.

The act reduces the number of criminal history records check in these cases by making the following two changes to the requirements:

1. it increases, from 16 to 18, the age when a household member must submit to them and
2. prohibits the commissioner from submitting applicants or household members to these background checks during the 12-month period after they have already done so as part of the DCF licensing and approval process.

Obsolete Term (§ 1a)

The act eliminates the obsolete term "regular unsupervised access," which applied to a provision that was eliminated in 2018 that allowed criminal history, child abuse registry, and criminal background checks on certain individuals who had regular unsupervised access to children in the home.

§ 2 — ADOPTIVE PARENT SUBSIDIES

The act extends to subsidized adoptive parents a provision available to subsidized guardian caregivers under existing law that allows the commissioner, under certain circumstances, to transfer the subsidy to a successor if the subsidy recipient dies or becomes seriously ill or severely disabled.

By law, the commissioner may do so if the successor (1) meets the department's foster care safety requirements (e.g., passes a criminal background check) and (2) is the child's court-appointed legal guardian.

Additionally, to maximize federal funding, the act requires the commissioner to ask adoptive parents to identify a successor guardian in the subsidy agreement or any addendum to it, as is the case for guardian caregivers under existing law.

§§ 3 & 4 — URGENT CRISIS CENTERS

The act allows urgent crisis centers to be DCF-certified, rather than DCF-licensed as under prior law. In doing so, the act allows these centers to be licensed by other state agencies. (For example, a hospital emergency department or other DPH-licensed facility would be able to operate an urgent crisis center, as long as the center was certified by DCF.)

Under the law, unchanged by the act, urgent crisis centers are dedicated to treating children's urgent mental or behavioral health needs.

The act also makes a conforming change in the law that addresses cost-sharing and health care provider reimbursements for urgent crisis center services.

§ 5 — DCF RECORD DISCLOSURES AND THE SOLNIT CHILDREN'S CENTER

By law, DCF generally must get consent from the subject of a record before disclosing privileged or confidential 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 or neglect registry. However, the law requires the department to disclose the records

without the subject's consent to specified entities for specified purposes.

Existing law requires DCF to disclose the records, without consent, to notify DPH when it places a DPH-certified or -licensed individual on the DCF child abuse and neglect registry. The act further requires DCF to disclose records to DPH, without consent, for purposes of licensing the Solnit Children's Center and administering related requirements, such as inspecting, investigating, and auditing the center.

§ 6 — JUVENILE'S AND INCARCERATED CHILDREN'S EDUCATIONAL RECORD TRANSFER

Under the law, DCF's administrative unit that oversees the education of children who are in a juvenile justice facility or incarcerated and in an educational program must use a uniform state-wide electronic record transfer system to maintain and share these children's educational records.

The act requires a DCF-designated directory manager to oversee these records and disclose them, upon request, to DCF acting in its capacity as a state educational authority under the federal Family Educational Rights and Privacy Act.

§§ 7 & 8 — DCF SPECIAL POLICE OFFICERS

The act requires the DESPP commissioner to appoint up to two people the DCF commissioner nominates to act as special police officers serving at the pleasure of the DESPP commissioner. Under the act, the special police officers:

1. have all powers conferred on state police officers while conducting state and national criminal history records checks on (a) each applicant for a DCF position and (b) all vendors or contractors and their employees who provide direct services to children in DCF custody,
2. conduct and respond to threat assessments in and around any building or facility under DCF supervision or control, and
3. respond to acute crises or security concerns in DCF-supervised or -controlled buildings or facilities.

The act also makes a conforming change.

§ 9 — TERMINOLOGY AND MISCELLANEOUS UPDATES

The act makes various changes in statutes relating to DCF's state-wide program of services to children with behavioral health needs.

Firstly, in its reference to these children and youth, the act eliminates prior law's terms "mentally ill," "emotionally disturbed," and "substance abusers," and replaces them with the term "mental health needs and substance use disorders."

Additionally, regarding DCF's duties in furthering the program's purpose, the act:

1. specifically requires DCF to study and evaluate the effectiveness of any DCF-licensed program, service, or facility; in addition to the effectiveness of those developed, operated, contracted for, or supported by the department as required under prior law;
2. authorizes DCF to establish educational or training programs for children, youths, parents, or other interested persons on anything related to promoting children's wellbeing, including the prevention and treatment of mental illness, substance use disorders, and other disabilities in children and youths; and
3. prohibits DCF from assigning a caseload to social worker trainees before they have completed the family violence prevention, identification, and effects training.

Lastly, it makes other minor and technical changes.

BACKGROUND

Albert J. Solnit Children's Center

PA 21-2 required the Albert J. Solnit Children's Center hospital and psychiatric residential treatment facility to be licensed by DPH; under prior law it was licensed by DCF. The act also required the DPH commissioner to adopt regulations on the licensure of these facilities.

PA 24-92—SB 126
Committee on Children

AN ACT CONCERNING HOME VISITS AND EVALUATIONS CONDUCTED BY THE DEPARTMENT OF CHILDREN AND FAMILIES.

SUMMARY: This act generally requires the Department of Children and Families (DCF) commissioner, or her designee, to do home visits or evaluations in person, in keeping with the department's safety plan (see below). The act makes an exception to the in-person requirement if any resident of the home is subject to a Department of Public Health (DPH) order of quarantine or isolation (i.e., when the DPH commissioner has determined that the person poses a significant threat to the public health and that quarantine or isolation is necessary and the least restrictive way to protect or preserve the public health). In these instances, the act requires the DCF commissioner or her designee to do the visit or evaluation using phone, video, or another conferencing platform.

Under the act, a "safety plan" is a plan DCF makes to address or mitigate parent or guardian behaviors or conditions or circumstances in a home that may make the home unsafe for children. A safety plan specifies (1) actions that have been or will be taken to address or mitigate the unsafe behaviors, conditions, or circumstances; (2) who will take them; and (3) when the department will review these actions.

EFFECTIVE DATE: July 1, 2024

PA 24-118—sHB 5262
Committee on Children
Education Committee

AN ACT CONCERNING CHILD SEXUAL ABUSE

SUMMARY: This act makes various changes in laws that relate to protecting children from sexual abuse. Specifically, it:

1. requires the Department of Public Health (DPH), starting by July 1, 2026, to include a sexual abuse and assault awareness prevention survey for high school administrators in the Connecticut School Health Survey;
2. replaces the term "child pornography" with "child sexual abuse material" in statutes that define the term and criminalize the possession, importation, and transmission of this material;
3. establishes a 22-member task force to study certain state agencies' and the judicial branch's responsiveness to child sexual abuse issues and report its recommendations to the legislature by July 1, 2025; and
4. requires the Office of the Child Advocate (OCA) to review state agency practices and procedures for ensuring minors' care and protection in probate court guardianship proceedings and report its findings to the legislature by January 1, 2025.

EFFECTIVE DATE: Upon passage, except that the provisions on (1) the sexual abuse and assault survey are effective July 1, 2024, and (2) child sexual abuse material are effective October 1, 2024.

SEXUAL ABUSE AND ASSAULT AWARENESS PREVENTION SURVEY

Beginning July 1, 2026, the act requires DPH to include a sexual abuse and assault awareness prevention survey for high school administrators each time it administers the Connecticut School Health Survey. The act requires each survey to be distributed to and completed by the school's administrators. The administrator survey results must be submitted to DPH at the same time as the student survey results.

By law, DPH must biennially administer the Connecticut School Health Survey to students in grades 9 through 12, if the department receives funding from the federal Centers for Disease Control and Prevention (CDC) for it. This survey was created as part of the statewide sexual abuse and assault awareness and prevention program and must be (1) based on the CDC's Youth Risk Behavior Survey and (2) administered in high schools the CDC randomly selects.

CHILD SEXUAL ABUSE MATERIAL

The act replaces the term "child pornography" with "child sexual abuse material" in statutes that define the term and criminalize the possession, importation, and transmission of this material. These offenses include 1st, 2nd, and 3rd degree possession; importing; and possession and transmission by a minor. In changing the terminology, the act retains the elements of, and penalties for, these crimes.

Under the act, "child sexual abuse material" ("child pornography" under prior law) is any visual depiction (e.g., photograph, film, videotape, picture, or computer-generated image or picture) of sexually explicit conduct involving in its production a person under age 16 engaging in sexually explicit conduct, whether made or produced electronically, digitally, mechanically, or by other means.

TASK FORCE TO STUDY THE RESPONSIVENESS OF STATE AGENCIES AND THE JUDICIAL BRANCH TO CHILD SEXUAL ABUSE ISSUES

The act establishes a 22-member task force to study certain state agencies' and the judicial branch's responsiveness to child sexual abuse issues.

Task Force Charge

The task force must examine policies and practices relating to and impacting children to identify opportunities to detect, mitigate, prevent, and effectively respond to child abuse. Specifically, it must examine these policies and practices in the judicial branch and the Children and Families, Education, Emergency Services and Public Protection, Developmental Services, Mental Health and Addiction Services, Public Health, and Social Services departments.

Membership and Appointments

The task force must consist of the following 22 members:

1. a Judiciary Committee member appointed by the House speaker;
2. a psychologist with expertise in treating children who have suffered from child sexual abuse appointed by the Senate president pro tempore;
3. a clinical social worker with expertise in identifying child sexual abuse appointed by the House majority leader;
4. a physician with expertise in pediatric medicine appointed by the Senate majority leader;
5. a Connecticut licensed attorney with expertise in child welfare appointed by the House minority leader;
6. a representative of a statewide organization dedicated to preventing sexual violence appointed by the Senate minority leader;
7. a representative of a children's advocacy center appointed by the governor;
8. the Children and Families, Education, Emergency Services and Public Protection, Developmental Services, Mental Health and Addiction Services, Public Health, and Social Services departments' commissioners or their designees;
9. the chief court administrator, probate court administrator, chief state's attorney, chief public defender, and child advocate or their designees;
10. the Commission on Women, Children, Seniors, Equity and Opportunity executive director or her designee;
11. a member of the Trafficking in Persons Council, designated by the council's chairperson; and
12. a member of the Governor's Task Force on Justice for Abused Children, jointly designated by the task force's chairpersons.

The six legislative leaders may appoint legislators and all initial appointments must be made by July 5, 2024. Any vacancy must be filled by the appointing authority.

Staffing and Governance

The House speaker and Senate president pro tempore must select the chairpersons of the task force from among its members. The chairpersons must schedule and hold the first meeting by August 4, 2024.

The Children's Committee administrative staff must serve in that capacity for the task force.

Task Force Report and Termination

By July 1, 2025, the task force must report its findings and recommendations to the Children's and Judiciary committees, including recommendations for legislation and changes to state agency or judicial branch policies or procedures that would help them detect, mitigate, prevent, and effectively respond to child sexual abuse.

The task force terminates when it submits the report or July 1, 2025, whichever is later.

OCA REVIEW OF STATE AGENCY PRACTICES AND PROCEDURES

By January 1, 2025, the act requires OCA to (1) review state agency practices and procedures for ensuring minors' care and protection in probate court guardianship proceedings and (2) report to the Children's and Judiciary committees on the adequacy of these practices and procedures. Under the act, OCA's report must analyze the following:

1. statutory requirements for probate court guardianship proceedings;
2. applicable court rules, policies, and quality assurance measures;
3. practices, procedures, and the quality assurance framework applicable to the Department of Children and Families' work in probate court matters;
4. training and contractual expectations for counsel assigned to minors and guardians ad litem in probate court guardianship matters; and
5. practices and procedures for providing guardianship subsidies to eligible recipients by the Department of Social Services and the quality assurance framework applicable to the subsidies' administration.

PA 24-126—sHB 5382
Committee on Children

AN ACT CONCERNING THE RECOMMENDATIONS OF THE OFFICE OF THE CHILD ADVOCATE

SUMMARY: This act makes various changes in laws related to the Department of Children and Families (DCF).

Among other things, the act:

1. generally requires, rather than allows, DCF to disclose records to any individual when he or she requests information on an incident of abuse or neglect that resulted in a child's or youth's death or near death (§§ 3 & 4);
2. requires DCF to include additional information in permanency plan documents and creates additional notification requirements for related court proceedings (§§ 2 & 5-7);
3. allows the DCF commissioner to authorize a trial home visit of a DCF-committed child or youth before revoking the child's or youth's commitment order under certain conditions (§ 5);
4. establishes certain requirements for a child's attorney or guardian ad litem (GAL) (see BACKGROUND) during a temporary custody or permanent guardianship proceeding (e.g., the court must confirm that they communicated regularly with the child) (§§ 7 & 8);
5. increases, from 20 to 25, the membership of the State Advisory Council on Children and Families (SAC); expands its duties to include a quarterly review of certain DCF data and an annual review of DCF's child protection responsibilities; and establishes implementation priorities (§ 1);
6. creates two working groups, one to review data and information on the council's effectiveness in discharging its child protection responsibilities and another to review the legal representation of children in child protection proceedings (§§ 9 & 10); and
7. extends, by six months, the deadline under prior law for the Title IX compliance toolkit working group's report; and, correspondingly, the date by which the State Department of Education (SDE) must distribute the toolkit (§§ 11 & 12).

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

EFFECTIVE DATE: July 1, 2024, except the provisions establishing the working groups (§§ 9 & 10) are effective upon passage.

§§ 2 & 5-7 — PERMANENCY PLANNING

The act expands the specific information DCF must include in certain documents or reports related to permanency planning. Under existing law, DCF must include certain information (1) in all documents entitled "Study in Support of Permanency Plan" or "Status Report for Permanency Planning Team," (2) in the court reports it submits when a child or youth is placed in out-of-home care because of alleged abuse or neglect, and (3) when it seeks to change an order of protective supervision.

Permanency Plan Documents (§ 2)

Under existing law, unless the juvenile court directs otherwise, DCF must include certain information in all documents entitled "Study in Support of Permanency Plan" or "Status Report for Permanency Planning Team."

Under prior law, the required information included things such as (1) a description of any problems or offenses that necessitated the placement of the child with the department; (2) a description of the type and an analysis of the effectiveness of the care, treatment, and supervision the department has provided for the child; (3) the child's visitation schedule; and (4) efforts taken to reunify the child with a parent or to find a permanent placement.

The act expands this list to include the following additional information:

1. the administrative case review and permanency team meeting dates;
2. whether DCF has the most up-to-date information concerning the child's medical, dental, developmental, educational, and treatment needs from any relevant service providers;
3. whether the child has received services recommended by the service providers and a description of any concerns the providers identified;
4. a description of any new abuse or neglect report pertaining to the child or a parent of the child, whether it was investigated, and the findings of any such investigation;
5. any new criminal charges pending against any such parent;
6. for any child in DCF's care and custody, whether the child was placed in a licensed home or home eligible for licensure and whether any applicable waivers have been obtained; and
7. for any child under age three, whether the child was screened for developmental and social-emotional delays, whether any delays were identified and, if so, whether the child was referred to a birth-to-three program.

DCF Order of Protective Supervision (§ 7v)

The act requires DCF to file documents with the court in any proceeding to review, modify, terminate, or extend an order of protective supervision. These documents must include the same additional information the act requires for permanency planning documents that relate to health service disclosures, abuse and neglect reports, pending criminal charges, and early childhood screenings, as described in the list above (see items #2, #3, #4, #5, & #7).

DCF Document Sources (§ 7w)

Under the act, for any documents, statements, or allegations that it submits to the Superior Court regarding permanency planning, DCF must identify the source and the date or dates that the department obtained them.

DCF Out-of-Home Care Report (§ 6)

The act expands the information that DCF must already include in reports it submits to the court for the latter's consideration of the best interests of a child or youth placed in out-of-home care because of alleged abuse or neglect.

By law, DCF is required to include the child's or youth's medical, dental, developmental, educational, and treatment needs. The act specifies that this must also include whether DCF has the most recent information on these specific needs of the child or youth from any relevant service providers. As under existing law, unchanged by the act, the information must include a timeline to ensure that these needs are met.

The act requires these documents to also include the same information regarding case review and permanency team meeting dates, abuse and neglect-related reports, pending criminal charges, and early childhood screenings as it requires for permanency planning documents under § 2 above (see items #1, #4, #5, & #7).

Trial Home Visits (§ 5)

Under specified circumstances, the act allows the DCF commissioner to authorize a trial home visit of a DCF-committed child or youth before revoking the child's or youth's commitment order. The commissioner may do so if the court approves a permanency plan that recommends reunifying the child with his or her parent or guardian, and all parties agree. Under the act, a "trial home visit" is the temporary placement of the child or youth in his or her parent's or guardian's home.

The act requires the DCF commissioner to:

1. at least 15 days before authorizing a trial home visit, give the court and all parties written notice of her intent to do so, and
2. create a trial home visit plan that must be given to all parties and includes (a) announced and unannounced DCF home visits and (b) any services provided during the trial home visit that the commissioner deems necessary to promote the child's or youth's well-being.

The DCF commissioner must also file a motion for revocation of commitment within 30 days after the trial home visit

begins unless the commissioner removes the child or youth before that time based on the department's responsibility and authority over children and youth committed to her care and custody.

Under the act, an authorized trial home visit must remain in effect until the (1) commissioner removes the child or youth prior to the filing of a motion for revocation of commitment within 30 days after the visit begins, or (2) court grants a motion for revocation of commitment prior to approving a permanency plan.

Permanency Planning and Other Court Proceeding Notifications (§ 6)

By law, foster parents, prospective adoptive parents, and relative caregivers must be notified (presumably, by DCF) of certain DCF-related court hearings. Under the act, (1) this notice must include the website address for any proceeding that will be conducted on a virtual platform and (2) the court must confirm compliance with these notice requirements at the relevant proceeding. (This generally applies to hearings such as neglect petitions seeking commitment to DCF, petitions to extend or revoke a commitment or terminate parental rights, and permanency planning.)

The act also requires DCF to notify the attorney and any GAL for any child or youth (1) of any new report of abuse or neglect received through the DCF Telephone Careline relating to the child or youth or the child's or youth's parent or guardian, (2) whether the report resulted in an investigation, and (3) of the investigation's findings.

§§ 3 & 4 — DCF RECORDS DISCLOSURE

By law, under certain circumstances, DCF may disclose its records to certain entities without the subject's consent (e.g., to any individual or entity for the purposes of identifying resources to promote the permanency plan of a child or youth).

The act generally requires, rather than allows, DCF to disclose records to any individual, upon his or her request, when the information concerns an incident of abuse or neglect that resulted in a child's or youth's death or near death. As under existing law, DCF may withhold the records if disclosing them would interfere with a pending investigation.

Prior law allowed DCF to disclose the abuse and neglect information in general terms. The act specifically limits DCF's disclosure to the following:

1. the cause and circumstances of the fatality or near fatality,
2. the child's or youth's age and gender,
3. descriptions of any previous child abuse or neglect reports or investigations relevant to that which led to the fatality or near fatality,
4. any investigation findings, and
5. a description of any services provided and actions taken by the state on the child's or youth's behalf that are relevant to the child abuse or neglect that led to the fatality or near fatality.

Under the act, DCF may withhold disclosure of these records if the commissioner determines that it may result in harm to the safety or well-being of the child or youth who is the subject of the records, the child's or youth's family, or any individual who reported the child's or youth's abuse or neglect. Additionally, DCF must not make any disclosure prohibited by federal law, including provisions of the Social Security Act that provide funds states can use to coordinate and deliver child welfare services.

§§ 7 & 8 — ROLE OF THE CHILD'S ATTORNEY OR GAL DURING ABUSE AND NEGLECT CASES

Under prior law, GALs were allowed to present information pertinent to the court's determination of the child's best interests. The act instead requires only that GALs be prepared to present that information at these determinations.

Under the act, before issuing an order affecting the legal status or placement of a child in any temporary custody or permanent guardianship proceeding, the court must confirm that:

1. any attorney for the child has obtained a clear understanding of the child's situation and needs, as described in the federal Child Abuse Prevention and Treatment Act;
2. any GAL for the child has performed an independent investigation of the case and is prepared to present information relevant to the court's determination of the child's best interests; and
3. any attorney or GAL for the child has (a) communicated regularly with the child, or the child's caregivers and service providers if the child is nonverbal, and (b) visited the child often enough to be informed of the child's situation and needs.

§ 1 — STATE ADVISORY COUNCIL ON CHILDREN AND FAMILIES (SAC)

By law, among other things, the SAC (i.e., "the council") must (1) recommend programs and legislation to the DCF commissioner that will improve services to children and youths and (2) annually review and advise the commissioner on the department's budget.

New Duties

The act expands the council's duties by requiring it to:

1. review DCF data on child safety, well-being, and permanency plans at least twice per year, and
2. annually evaluate the extent to which DCF is discharging its child protection responsibilities under state and federal law.

Council Priorities

The act requires the council, in implementing its duties, including those added by the act, to prioritize the following:

1. protecting children from abuse and neglect by ensuring the state maintains an effective plan to prevent abuse and neglect and divert children from foster care;
2. reducing and eliminating preventable child fatalities and the unnecessary removal of children from their homes;
3. placing children in permanent and stable homes, including with family members whenever possible, and successfully transitioning youth leaving the child welfare system from foster care;
4. reducing disparate outcomes between minority and other populations the child welfare system serves;
5. providing timely, appropriate, and adequate services to children and families to meet the children's physical and mental health and developmental needs; and
6. collaborating among state agencies to further the council's duties.

Membership

The act increases the council's membership, from 20 to 25, by adding the following five members to the governor's prior 14 appointees:

1. three DCF youth advisory board members,
2. one member of an organization that advocates for the protection and advancement of children's legal rights, and
3. one member of an organization that advocates for policies to promote child welfare.

As under existing law, in addition to the governor's appointees, the council's remaining six members represent the regional advisory councils and are appointed one by each council.

§§ 9 & 10 — NEW WORKING GROUPS

The act creates two working groups: one to review data and information regarding the SAC's effectiveness in discharging its child protection responsibilities, and another to review the delivery of legal services to children in child protection proceedings in the state.

The Children's Committee chairpersons must (1) serve as each working group's chairpersons and (2) schedule and hold their first meetings by August 4, 2025.

The act requires the Children's Committee's administrative staff to serve as administrative staff on both working groups.

Working Group Regarding DCF's Effectiveness (§ 9)

The act establishes a 10-member working group to (1) review available data and information on DCF's effectiveness in discharging its child protection responsibilities, and (2) develop a plan to publicly disseminate the data and information on a regular basis. The working group must report its findings and recommendations to the Children's Committee by January 1, 2025. It terminates on that date or when it submits its report, whichever is later.

Data and Information. The data and information may include the following:

1. quantitative and qualitative information on the safety, permanency, and well-being of children served by DCF, aligned with federal Child and Family Service Review requirements;
2. quality assurance information on assessing and managing risk and safety in child protective service cases, including cases open with DCF in ongoing treatment;
3. the availability, timeliness, and effectiveness of services for children and families, including developmental and educational needs;
4. information on differential response, including the outcomes for children served through state-funded diversion programs such as Community Support for Families and Integrated Family Care and Support;
5. disclosures regarding child fatalities consistent with the requirements of the federal Child Abuse Prevention and Treatment Act; and
6. a summary of findings, recommendations, and action steps arising from DCF's internal review of agency practices following fatalities and near-fatalities of children where the department had an open case or a case closed within the previous 12 months.

Membership and Designations. The DCF commissioner must designate one member who represents an entity with expertise in data collection and analysis. The working group's remaining members are as follows, the:

1. Children's Committee chairpersons and ranking members,
2. DCF commissioner or her designee,
3. child advocate or her designee,
4. SAC chairperson,
5. chief public defender or her designee, and
6. Connecticut Alliance of Foster and Adoptive Families executive director or her designee.

All initial designations must be made by June 7, 2024.

Working Group to Review the Delivery of Legal Services to Children in Child Protection Proceedings (§ 10)

The act establishes a 16-member working group to review the delivery of legal services to children in child protection proceedings. The review must include (1) models of legal service delivery previously used in the state or currently used in other states and (2) recommendations for improving the quality of legal representation provided to children in the state. The working group must report its findings and recommendations to the Children's Committee and the Chief Public Defender's Office by November 1, 2024. It terminates on that date or when it submits its report, whichever is later.

Membership and Appointments. The six legislative leaders each appoint one member, who may be a legislator, as follows:

1. two attorneys with expertise representing children in child welfare proceedings, one each by the House speaker and Senate president pro tempore;
2. two attorneys with expertise representing parents in child welfare proceedings, one each by the House and Senate majority leaders;
3. a representative of an organization dedicated to advancing children's legal rights, by the House minority leader; and
4. a representative from an organization dedicated to improving children's public policy, by the Senate minority leader.

The remaining working group members are the:

1. Children's Committee chairpersons and ranking members;
2. chief public defender, child advocate, and attorney general, or their designees;
3. chief administrative judge of juvenile matters;
4. DCF commissioner or her designee; and
5. Connecticut Alliance of Foster and Adoptive Families executive director or her designee.

All initial designations must be made by June 7, 2024, and any vacancy must be filled by the appointing authority.

§§ 11 & 12 — TITLE IX COMPLIANCE TOOLKIT

Title IX Compliance Toolkit Working Group (§ 11)

PA 23-26 required the Commission on Women, Children, Seniors, Equity and Opportunity to convene and lead a working group to identify or develop a Title IX compliance toolkit to be used by local and regional boards of education, students, and students' parents and guardians. (Title IX of the federal Education Amendments of 1972 prohibits sex-based

discrimination in education programs and activities that receive federal financial assistance.)

The act extends the deadline by which the working group must submit the Title IX compliance toolkit to the Children's Committee by six months, from July 1, 2024, to January 1, 2025. Correspondingly, under the act the task force must terminate on the later of the date it submits the toolkit or January 1, 2025, rather than July 1, 2024, as prior law required.

Toolkit Distribution by SDE to Boards of Education (§ 12)

The act extends the deadline by which SDE must distribute the toolkit to local and regional boards of education by six months, from October 1, 2024, to April 1, 2025.

BACKGROUND

Guardians ad Litem (GAL) and Counsel for the Minor Child (CMC)

By law, a GAL is someone, not necessarily an attorney, who the court appoints during certain proceedings to gather information at its request and report on what he or she believes is in a person's best interest. A counsel for the minor child (CMC) is an attorney appointed by the court to advocate in court for a minor child's (under age 18) best interest.

The law provides a list of factors GALs and CMCs must consider in determining the child's best interest, such as the effect of an abuser's actions on the child, whether any domestic violence has occurred between the parents or between a parent and another individual or the child, whether the child or his or her sibling has been abused or neglected, and the stability of the child's existing or proposed residence.

PA 24-33—sHB 5300
Commerce Committee

AN ACT CONCERNING THE INVEST CT FUND PROGRAM

SUMMARY: This act allows the Department of Economic and Community Development (DECD) commissioner, from October 1, 2024, to September 30, 2026, to make certain additional businesses eligible for investments under the Invest CT Fund Program. By law, program participants qualify for tax credits, which apply to their insurance premiums and surplus lines broker taxes, by investing in eligible businesses through state-certified Invest CT funds. Under existing law, an "eligible business" has the following:

1. its "principal business operations" in Connecticut (i.e., at least 80% of its employees reside in the state or at least 80% of its payroll is paid to people living in the state);
2. fewer than 250 employees at the time of the investment; and
3. no more than $10 million in net income in the previous year.

The act additionally allows program applicants, during the above two-year timeframe, to request that the DECD commissioner consider a business without principal business operations in Connecticut as an eligible business. The commissioner may approve the request if he determines that it would significantly advance the program's objectives. An applicant must apply to the commissioner as he prescribes and meet other program requirements (e.g., submit a business plan describing the amount of capital to be invested in an eligible business and the number of jobs expected to be created or retained because of the investment).

The act requires the DECD commissioner to report to the Commerce Committee by January 1, 2026 (covering October 1, 2024, to September 30, 2025), and January 1, 2027 (covering October 1, 2025, to September 30, 2026). The reports must include a list of applicants whose requests were approved by the commissioner under the act's authority and an analysis of the benefit to and impact on the state from these approvals.

The act also makes conforming changes.
EFFECTIVE DATE: October 1, 2024

PA 24-36—sHB 5434
Commerce Committee

AN ACT CONCERNING THE COMMUNITY ECONOMIC DEVELOPMENT FUND

SUMMARY: This act makes various changes to the Community Economic Development Fund (CEDF; see BACKGROUND). Specifically, the act:

1. broadly adds "qualified census tracts" (i.e., federally designated census tracts (a) in which at least 50% of households have an income below 60% of the area median gross income or (b) with a poverty rate of at least 25%) to the list of areas CEDF must assist;
2. restructures the board of directors overseeing CEDF, beginning October 1, 2024;
3. allows CEDF to conduct business outside Connecticut with funds received on or after October 1, 2024, if certain conditions are met; and
4. requires CEDF to report the ratio of business conducted in- to out-of-state in its annual report to the Commerce Committee.

Prior law required that at least 70% of the financial assistance CEDF provided be used for activities in targeted investment communities. The act expands this portion's allowable uses to also include assistance to low- and moderate-income individuals and activities in public investment communities and qualified census tracts. It also makes technical and conforming changes.
EFFECTIVE DATE: July 1, 2024

BOARD OF DIRECTORS

Under prior law, CEDF was governed by a board of directors that included (1) five representatives of state agencies or quasi-public agencies, appointed by the governor; (2) one member appointed by each CEDF investor; (3) six members from areas CEDF assists or representatives of nonprofits that assist them, appointed by legislative leaders; and (4) any additional members the board appoints.

The act restructures the CEDF board of directors to include the following members:

1. one jointly appointed by the legislative majority leaders;
2. one jointly appointed by the legislative minority leaders;
3. the Department of Banking commissioner, or his designee;
4. the Office of Policy and Management (OPM) secretary, or his designee;
5. one member appointed by each CEDF investor;
6. low- or moderate-income people living or operating a business in public investment communities, qualified census tracts, or targeted investment communities who are unanimously appointed by other board members and make up at least one-third of the board's membership; and
7. any other members the board unanimously appoints.

Under the act, the legislative appointments, banking commissioner, and OPM secretary must collectively make up no more than one-fifth of the board's membership.

The act requires (1) members of the existing board of directors to serve through September 30, 2024, and (2) the new board to begin governing CEDF on October 1, 2024. It allows members of the current board to be reappointed to the new board.

OUT-OF-STATE BUSINESS

Prior law allowed CEDF to operate only within Connecticut, but the act allows it to conduct out-of-state business on and after October 1, 2024, if the following conditions are met:

1. assets CEDF receives before October 1, 2024, must be used for in-state business;
2. assets received on and after October 1, 2024, for conducting business in-state must be used only for that purpose;
3. at least 70% of the assets CEDF has at any time must be used for in-state business; and
4. CEDF must comply with state laws where it conducts business.

Beginning October 1, 2024, the act also requires any funds CEDF receives for conducting out-of-state business to be used outside the state.

BACKGROUND

Community Economic Development Fund

CEDF, a state-chartered nonprofit capitalized with state bonds and private funds, provides loans to Connecticut small business owners, particularly those located in low- to moderate-income communities who are not able to obtain traditional bank financing. CEDF also offers a loan guarantee program in conjunction with the Department of Economic and Community Development, which assists women- and minority-owned businesses in obtaining flexible financing.

PA 24-48—sHB 5189
Commerce Committee
Appropriations Committee

AN ACT CONCERNING A SMALL HARBOR IMPROVEMENT PROJECTS ACCOUNT

SUMMARY: This act requires the Connecticut Port Authority (CPA) to establish the Small Harbor Improvement Projects account and to spend funds deposited or appropriated in it to initiate small harbor improvement projects consistent with state law. Under the act, a "small harbor" is any Connecticut harbor not under CPA authority (currently, this means harbors other than Bridgeport, New Haven, and New London).

Under existing law, unchanged by the act, CPA may initiate harbor improvement projects in various ways through the Small Harbor Improvement Projects Program (SHIPP, see BACKGROUND).

Under the act, the following funds must be deposited into the account: (1) proceeds of notes, bonds, or other state-issued obligations; (2) appropriated funds; and (3) any other funds required or permitted by law.

The act authorizes the account to be used for federal and nonfederal small harbor dredging projects and to fund private maritime infrastructure projects. For dredging projects, the funds may be used to:

1. support local and state matching requirements fully or partially;
2. cover the incremental costs associated with applicable environmental regulatory requirements or management practices, including beneficial use; and
3. cover all or part of these project costs in the absence of adequate federal funds.

If the account is used to cover project costs due to inadequate federal funding, then CPA must pursue federal reimbursement.

Under the act, before private maritime infrastructure projects can receive funding, they must have all applicable permits and authorizations.

The act requires CPA to adopt implementing procedures, including a process for contracting for these projects.

EFFECTIVE DATE: Upon passage

BACKGROUND

Small Harbor Improvement Projects Program (SHIPP)

SHIPP is a competitive grant program, established and administered by CPA, that provides funds for harbor improvement projects that are not related to the deep water ports in Bridgeport, New Haven, and New London. Harbor improvement projects generally must be within, near, or on an active navigational channel and include dredging, marina repair, boat ramp facilities improvement, harbor management plans, and feasibility studies. SHIPP is funded with state general obligation bonds.

PA 24-60—sSB 248
Commerce Committee

AN ACT ESTABLISHING THE CONNECTICUT-IRELAND TRADE COMMISSION

SUMMARY: This act establishes a 23-member Connecticut-Ireland Trade Commission within the Legislative Department to do the following between Connecticut and Ireland:

1. advance bilateral trade and investment,
2. initiate joint action on policy issues of mutual interest,
3. promote business and academic exchanges,
4. encourage mutual economic support and infrastructure investment, and
5. address other issues the commission determines.

To carry out its duties, the act also authorizes the commission to (1) obtain necessary assistance and data from any state executive department, board, commission, or agency; (2) perform necessary and appropriate acts; and (3) accept gifts, donations, or bequests.

The act requires the commission, starting by February 1, 2026, to annually report to the governor, Department of Economic and Community Development, and Commerce Committee on its activities during the prior year. At a minimum, the report must include recommendations for policy and legislative changes needed to carry out its duties.

EFFECTIVE DATE: Upon passage

MEMBERSHIP AND MEETINGS

Members

Under the act, the commission includes the following 23 appointed members:

1. two members each appointed by the six top legislative leaders;
2. two Commerce Committee members, one each appointed by the committee chairpersons;
3. five members appointed by the governor;
4. one representative of a Connecticut public college or university, appointed by the governor;
5. one Connecticut chamber of commerce representative, appointed by the governor; and
6. two representatives of Irish-American communities in Connecticut from different political parties, appointed by the governor.

Under the act, commission members must be (1) currently or formerly involved in organizations promoting Irish affairs or (2) interested in trade relations between Connecticut and Ireland.

Appointments

The act requires appointing authorities to make their initial appointments by October 1, 2024, and fill any vacancies.

Those occurring other than by term expiration must be filled for the unexpired term balance.

All members, except those appointed by the governor, may be legislators.

Terms

Under the act, members generally serve four-year terms, until their successors are appointed, except as follows:

1. initial gubernatorial and House majority and minority leader appointments terminate on September 30, 2027;
2. initial House speaker, Senate president pro tempore, and Senate majority and minority leader appointments terminate on September 30, 2028; and
3. initial and subsequent Commerce Committee appointments are coterminous with the appointing committee chairperson.

Under the act, members serve without compensation but are reimbursed, within available funds, for necessary expenses incurred when performing their duties.

Leadership and Meetings

The act requires the House speaker and Senate president pro tempore to select the commission's chairpersons from among its members. The chairpersons must schedule and hold the commission's first meeting by November 1, 2024.

Under the act, the commission may meet as often as the chairpersons or a majority of the commission members deem necessary. Members who miss three consecutive meetings or 50% of meetings in a calendar year are deemed to have resigned. A majority of members constitutes a quorum for conducting business.

The act requires the Commerce Committee's administrative staff to serve in this capacity for the commission.

PA 24-103—sSB 250
Commerce Committee

AN ACT CONCERNING THE GLOBAL ENTREPRENEUR IN RESIDENCE PROGRAM

SUMMARY: This act requires the Department of Economic and Community Development (DECD) to submit recommendations to the Commerce Committee by January 1, 2025, on how to design and establish a three-year Global Entrepreneur in Residence pilot program to attract or retain resident specialists in Connecticut. Under the act, a "resident specialist" is someone who:

1. is employed part-time by a private employer in a specialty occupation (see BACKGROUND),
2. is not a United States citizen, and
3. wants to move to or stay in Connecticut as a nonimmigrant while employed by the employer.

In addition to attracting and retaining resident specialists, the program may:

1. facilitate or support partnerships between eligible institutions (i.e., public or private higher education institutions in Connecticut) and private employers that employ resident specialists;
2. help resident specialists file visa applications; and
3. accept donated funds to support the program's purposes.

Under the act, DECD must consult with UConn, the Connecticut State Colleges and Universities (CSCU), the Office of Workforce Strategy, and the governor's office when making the pilot program recommendations. It may also consult with other eligible institutions, nonprofit organizations, and for-profit businesses to make recommendations.

Lastly, the act requires DECD, UConn, and CSCU, by January 1, 2025, to jointly survey noncitizen students at UConn and CSCU to assess interest in the pilot program. They may do so in collaboration with other eligible institutions and any other parties.

EFFECTIVE DATE: Upon passage

BACKGROUND

Specialty Occupation Visas

To qualify for certain visas (e.g., an H-1B visa), a foreign worker must have a bachelor's degree or higher and be employed in a specialty occupation by a U.S.-based employer who will file the visa petition. A specialty occupation is generally one that requires highly specialized knowledge and a bachelor's or higher degree in the specific specialty (or its

equivalent) to work in the occupation in the United States.

PA 24-109—sHB 5190
Commerce Committee

AN ACT CONCERNING THE HISTORIC HOMES REHABILITATION TAX CREDIT

SUMMARY: This act restores taxpayers' ability to apply historic homes rehabilitation tax credits against specified business taxes. By law, the Department of Economic and Community Development (DECD) issues these credits, subject to certain requirements, to (1) people and nonprofits who own, rehabilitate, and occupy historic homes or (2) businesses that contribute funds for rehabilitating historic homes that are or will be occupied by their owners.

PA 23-204, § 357, eliminated taxpayers' ability to claim credits issued on or after January 1, 2024, against specified state business taxes (i.e., the insurance premiums, corporation business, air carriers, railroad companies, cable and satellite TV companies, and utility companies' taxes). The act instead allows taxpayers to continue claiming these credits against these specified business taxes. As under existing law, credits issued on or after that date may also be claimed against the personal income tax and unrelated business income tax.

The act allows taxpayers applying the credit against any of the business taxes mentioned above to carry forward any unused credits for up to four income years, just as existing law allows for nonprofit corporations claiming the credit against the unrelated business income tax. Under existing law, credits applied against the personal income tax are refundable.
EFFECTIVE DATE: July 1, 2024, and applicable to tax and income years beginning on or after January 1, 2024.

BACKGROUND

Historic Homes Rehabilitation Tax Credit

Under this program, qualifying property owners (people and nonprofits) may receive a tax credit for 30% of the construction costs they incur in rehabilitating a historic home. To qualify, the historic home must (1) have no more than four units, one of which must be the owner's principal residence for at least five years after rehabilitation is completed, and (2) be (a) listed on the National or State Register of Historic Places or (b) located in a district listed in either register and certified by DECD as contributing to the district's historic character.

To qualify for the credit, the project's construction costs must exceed $15,000. The credit equals 30% of the eligible construction costs but may not exceed $30,000 per dwelling unit (or $50,000 for owners that are nonprofit corporations). DECD may reserve up to $3 million in vouchers for these credits each fiscal year, 70% of which must be for rehabilitating homes in the municipalities designated as "regional centers" in the current state plan of conservation and development.

Related Act

PA 24-151, § 128, enacted identical provisions.

PA 24-138—sHB 5503
Commerce Committee
Insurance and Real Estate Committee

AN ACT CONCERNING INSURANCE MARKET CONDUCT AND INSURANCE LICENSING, THE INSURANCE DEPARTMENT'S TECHNICAL CORRECTIONS AND OTHER REVISIONS TO THE INSURANCE STATUTES AND CAPTIVE INSURANCE

TABLE OF CONTENTS:

§ 3 — 30 DAYS TO TURN OVER DOCUMENTS

Sets a 30-day deadline to comply with an Insurance Department request to provide documents related to an investigation

§§ 4 & 5 — EXPIRATION DATE FOR CERTAIN INITIAL LICENSES

Revises the expiration date for initial licenses issued to motor vehicle damage appraisers and casualty claims adjusters from June 30 in an odd-numbered year to two years after the licensee's birthday preceding the license's issuance

§ 6 — GENERAL INSURANCE ASSESSMENT PROCESS

Removes the Office of the Healthcare Advocate from the Insurance Department's annual process of assessing carriers for the general insurance assessment

§§ 7, 8 & 12 — ELECTRONIC FILINGS IN LIEU OF PAPER FILINGS

Removes requirements that insurers file copies of annual financial statements and audited financial reports with the insurance commissioner, allowing electronic filings to the NAIC to suffice

§ 9 — NON-ENGLISH INSURANCE DOCUMENTS AND TRANSLATIONS

Requires insurers who file policies in a non-English language to certify that they comply with readable language requirements and bear the risks associated with any translations; allows the insurance commissioner to hire translation services at the insurer's cost

§ 10 — PHARMACY BENEFIT MANAGER REPORT DUE DATE

Moves up the annual due date for PBMs to report rebate information to the insurance commissioner by one month; requires the commissioner to give the PBMs a copy of his annual report to the Insurance and Real Estate Committee at least 10 days before it is due to the committee

§ 11 — SMALL EMPLOYER DEFINITION

Beginning January 1, 2025, updates the state's definition of "small employer" in the health insurance statutes to mean having no more than 50 employees

§ 13 — INDEPENDENT REVIEW ORGANIZATION ACCREDITATION PERIOD

Extends the accreditation approval or reapproval period for independent review organizations from two to three years

§§ 14 & 15 — CAPTIVE INSURER CONVERSION OF PROTECTED CELLS

Allows a captive insurer's protected cell to convert into a new protected cell, incorporated cell, or captive insurance company without any impact on the protected cell's assets, rights, benefits, obligations, and liabilities

§ 16 — COVERED CONNECTICUT PROGRAM

Requires the Covered Connecticut program to include only in-network providers and services, unless the insurance commissioner determines the health carrier's network is inadequate

§§ 17 & 18 — CONNECTICUT CLEARINGHOUSE REPEALED

Repeals a requirement that the Health Reinsurance Association develop the Connecticut Clearinghouse on health insurance policies available in the state

SUMMARY: This act makes numerous unrelated changes to insurance statutes, as summarized in the section-by-section analysis below.
EFFECTIVE DATE: October 1, 2024, unless otherwise stated below.

§§ 1 & 2 — INSURANCE COMMISSIONER'S ENFORCEMENT AUTHORITY

Allows the insurance commissioner to impose restitution, with interest, when someone violates the state's insurance laws, regulations, or commissioner orders; allows the commissioner to ask the attorney general to apply for a court order enforcing insurance laws and commissioner orders or providing restitution with interest

By law, the insurance commissioner must administer and enforce the laws on insurance companies and health care centers (i.e., HMOs). Relatedly, the law grants him the reasonable and necessary powers to protect the public interest.

The act explicitly allows the commissioner to order restitution of any amount obtained in violation of the state's insurance laws, regulations, or commissioner orders, plus interest as allowed under another state law. This is generally 10% interest per year (CGS § 37-3a).

The act also allows the commissioner to ask the attorney general to apply to Superior Court for an order (1) restraining and enjoining a person from violating any Title 38a provision (i.e., the insurance laws); (2) enforcing any commissioner-imposed order, penalty, or remedy; or (3) for restitution, with interest, for the amount the person obtained in violation of the insurance laws. (Under existing law, the commissioner may already ask the attorney general to apply to Superior Court for a permanent or temporary order restraining a person from violating the insurance laws (CGS § 38a-16(b)).)

Additionally, state law allows the commissioner to enforce the insurance laws, and impose a penalty or remedy authorized by them, against any person even if the person's license or registration has been surrendered or has lapsed. The act also allows him to take these actions if the person's license or registration has been revoked.

§ 3 — 30 DAYS TO TURN OVER DOCUMENTS

Sets a 30-day deadline to comply with an Insurance Department request to provide documents related to an investigation

By law, the insurance commissioner may conduct investigations and hearings on any matter under the insurance laws. He may, among other things, order the production of books, records, papers, or documents for an investigation.

The act requires that anyone who receives a request to produce books, records, papers, or documents comply with the order within 30 days after the date of the order. By law, if a person refuses to comply, the commissioner may ask the Superior Court to order compliance.

§§ 4 & 5 — EXPIRATION DATE FOR CERTAIN INITIAL LICENSES

Revises the expiration date for initial licenses issued to motor vehicle damage appraisers and casualty claims adjusters from June 30 in an odd-numbered year to two years after the licensee's birthday preceding the license's issuance

Under prior law, initial licenses for motor vehicle damage appraisers and casualty claim adjusters expired on June 30 of the odd-numbered year following the license issuance, unless revoked or suspended earlier. The act changes this expiration date to two years after the licensee's birthday preceding the date the license was issued, unless it was already revoked or suspended. By law, a licensee may renew the license every two years at the insurance commissioner's discretion with payment of the required renewal fees.

§ 6 — GENERAL INSURANCE ASSESSMENT PROCESS

Removes the Office of the Healthcare Advocate from the Insurance Department's annual process of assessing carriers for the general insurance assessment

By law, domestic insurers and HMOs pay an annual assessment to the Insurance Department to cover the expenses of the Insurance Department, Office of the Healthcare Advocate, and Office of Health Strategy, among other things.

Under prior law, the insurance commissioner and the Office of the Healthcare Advocate assessed the entities following a process set in state law. The act removes the Office of the Healthcare Advocate from this process, leaving the insurance commissioner to manage the assessment process.

It also makes technical and conforming changes.

§§ 7, 8 & 12 — ELECTRONIC FILINGS IN LIEU OF PAPER FILINGS

Removes requirements that insurers file copies of annual financial statements and audited financial reports with the insurance commissioner, allowing electronic filings to the NAIC to suffice

Prior law required domestic insurers, HMOs, and fraternal benefit societies to file copies of annual financial statements and audited financial reports with the insurance commissioner as well as electronically with the National Association of Insurance Commissioners (NAIC). The act eliminates the requirement to submit these to the commissioner. Instead, it deems the companies' electronic submissions to the NAIC to have been filed with the commissioner.

§ 9 — NON-ENGLISH INSURANCE DOCUMENTS AND TRANSLATIONS

Requires insurers who file policies in a non-English language to certify that they comply with readable language requirements and bear the risks associated with any translations; allows the insurance commissioner to hire translation services at the insurer's cost

By law, insurance policies filed with the Insurance Department must meet certain readability standards (e.g., Flesch reading ease scores and print specifications). As under prior law, the act allows insurers to file policies in any language. The insurer must certify that the policy complies with the readability standards or is translated from a policy that complies.

The act allows the insurance commissioner to hire a translation service to review a non-English-language policy filed by an insurer. The insurer that filed the policy must pay the cost of the translation. Alternatively, the commissioner may require the insurer to provide an English-translated copy of the policy and a certification as to the translation's accuracy. The act requires the insurer to accept all risks associated with a translation.

The act also allows the commissioner to adopt implementing regulations.

§ 10 — PHARMACY BENEFIT MANAGER REPORT DUE DATE

Moves up the annual due date for PBMs to report rebate information to the insurance commissioner by one month; requires the commissioner to give the PBMs a copy of his annual report to the Insurance and Real Estate Committee at least 10 days before it is due to the committee

By law, each pharmacy benefit manager (PBM) must annually file a report on prescription drug rebates with the insurance commissioner. Under prior law, the report was due by March 1. The act moves up the due date to February 1, beginning in 2025.

The law also requires the commissioner to report annually to the Insurance and Real Estate Committee by March 1 on the PBMs' rebate reports. Under prior law, the commissioner had to give the PBMs an advanced copy of this report by February 1 annually. The act instead requires him to provide the copy at least 10 days before he reports to the committee.
EFFECTIVE DATE: January 1, 2025

§ 11 — SMALL EMPLOYER DEFINITION

Beginning January 1, 2025, updates the state's definition of "small employer" in the health insurance statutes to mean having no more than 50 employees

Beginning January 1, 2025, the act defines "small employer" under the health insurance laws to mean an employer with an average of at least one and no more than 50 employees on business days in the prior calendar year and at least one employee on the first day of the group health insurance plan year.

Prior law extended the definition to employers with an average of no more than 100 employees, except that the insurance commissioner could postpone that definition to be consistent with the federal Affordable Care Act. (The commissioner did so in Insurance Bulletin HC-106 (2015). So, in practice, the small employer definition has been no more than an average of 50 employees since before 2016.)

§ 13 — INDEPENDENT REVIEW ORGANIZATION ACCREDITATION PERIOD

Extends the accreditation approval or reapproval period for independent review organizations from two to three years

By law, the insurance commissioner maintains a list of accredited independent review organizations available to conduct regular or expedited external reviews of health insurance grievances. The act extends the accreditation period from two years under prior law to three. As under existing law, if the commissioner determines that an organization no longer meets the minimum requirements for accreditation, he must end its approval and remove it from the list of approved organizations.

§§ 14 & 15 — CAPTIVE INSURER CONVERSION OF PROTECTED CELLS

Allows a captive insurer's protected cell to convert into a new protected cell, incorporated cell, or captive insurance company without any impact on the protected cell's assets, rights, benefits, obligations, and liabilities

Captive Insurer

Generally, a captive insurer is an insurance company formed to insure or reinsure the risks of its owners, parent company, or affiliated company. The law allows several different types of captive insurers to be licensed and operate in the state, including a sponsored captive insurer.

A sponsored captive insurer is an insurance company (1) for which one or more sponsors provide the minimum paid-in capital and surplus, (2) that insures its participants through separate participant contracts, and (3) that funds its liability to each participant through protected cells and separates each cell's assets from that of other cells and the captive insurer as a whole. PA 23-15 allowed these protected cells to establish, with the insurance commissioner's prior written approval, separate accounts and allocate assets to them, subject to certain requirements.

Conversion of Protected Cell Allowed

The act allows sponsored captive insurers to convert protected or incorporated protected cells into one of the following other insurance company structures or types of accounts:

1. a single protected or incorporated protected cell;
2. a new sponsored captive insurer (including those licensed as a special purpose financial captive insurer);
3. a new special purpose financial captive, pure captive, agency captive, industrial insured captive, or association captive insurer; or
4. a new risk retention group.

Any conversion is deemed to (1) be a continuation of the cell's existence, with all of its assets, rights, benefits, obligations, and liabilities, and (2) occur without any transfer or assignment of these assets, rights, benefits, obligations, and liabilities and without creating any reversionary interest in or impairment of them. The act specifies that the conversion does not limit any rights or protections applicable to the cell or the sponsored captive that existed before the conversion.

Conversion Process

Under the act, a sponsored captive must apply to the insurance commissioner and receive his prior written approval for the conversion. Additionally, the act subjects the conversion to the existing laws regulating captives and the sponsored captive insurer's plan of operation approved by the commissioner, without affecting the converted cell's assets, rights, benefits, obligations, and liabilities.

For cells that convert into an incorporated protected cell or a new captive insurer or risk retention group, the conversion must follow all existing business corporation or limited liability company laws that apply to the newly formed business or legal entity.

§ 16 — COVERED CONNECTICUT PROGRAM

Requires the Covered Connecticut program to include only in-network providers and services, unless the insurance commissioner determines the health carrier's network is inadequate

By law, the Covered Connecticut program provides eligible individuals with health insurance, including dental benefits

and non-emergency medical transport, at no out-of-pocket cost to them.

The act requires that the program only include in-network providers and services, unless the insurance commissioner determines the health carrier's network is inadequate. Eligible individuals will only receive the benefits and cost-sharing subsidies available under the program if they use in-network providers or facilities.

§§ 17 & 18 — CONNECTICUT CLEARINGHOUSE REPEALED

Repeals a requirement that the Health Reinsurance Association develop the Connecticut Clearinghouse on health insurance policies available in the state

Prior law required the Health Reinsurance Association to develop the Connecticut Clearinghouse as a resource for individuals and small employers to get information on health insurance policies and plans available in the state. The act repeals this requirement. (The clearinghouse has largely been replaced by the health insurance exchange, Access Health CT.)

EFFECTIVE DATE: Upon passage

PA 24-149—sHB 5299
Commerce Committee

AN ACT CONCERNING THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT'S RECOMMENDATIONS FOR REVISIONS TO THE JOBSCT PROGRAM AND THE COMMERCE AND RELATED STATUTES

SUMMARY: This act eliminates CTNext and makes the Department of Economic and Community Development (DECD) its successor agency. In doing so, it also generally transfers various former CTNext powers, functions, programs, funds, and bond authorizations to the department; repeals certain CTNext-related provisions and statutes; and modifies certain CTNext duties, programs, and funds that pass to DECD.

Separately, the act makes several changes to the JobsCT tax rebate program. Among other things, it:

1. establishes a two-year lookback period for calculating a business's number of new full-time equivalents (FTEs), rather than a lookback to January 1, 2020, as prior law required;
2. adds new options for determining the wage requirements a business must meet to receive a rebate;
3. allows the DECD commissioner to substitute another requirement or metric similar in intent to a requirement or metric that he determines the applicant cannot reasonably meet; and
4. changes how rebates are calculated for businesses employing at least one new FTE who is a person with intellectual disability.

The act also delays, from January 1, 2024, to January 1, 2025, the requirement for DECD to post on its website specified information about JobsCT (e.g., information about rebates for employing people with intellectual disability).

The act eliminates Community Investment Fund 2030 (CIF) funding for certain grants proposed by municipalities, community development corporations, or nonprofit corporations. Under prior law, these entities had to use the grants to give loans to small businesses.

Additionally, the act makes changes to the DECD commissioner's approval process for Urban Act economic development projects, such as (1) eliminating the prohibition on projects being undertaken before he gives certain approvals and (2) requiring the commissioner to establish the terms and conditions of any grant contract for these projects.

Lastly, it makes technical and conforming changes.

EFFECTIVE DATE: Upon passage, except the provisions related to CTNext are effective July 1, 2024.

§§ 4-21 — DECD AS SUCCESSOR TO CTNEXT

The act makes DECD the successor agency to CTNext under the state law on the transfer of functions, powers, and duties to successors (including provisions on receiving federal aid and the transfer of appropriations). In doing so, it also (1) generally transfers various former CTNext powers, functions, programs, funds, and bond authorizations to the department; (2) repeals certain CTNext-related provisions and statutes; (3) modifies certain CTNext duties, programs, and funds that pass to DECD; and (4) makes numerous minor and conforming changes throughout impacted statutes.

The legislature established CTNext in 2016 as a subsidiary of Connecticut Innovations, Inc. (CI) to support the entrepreneurship community and new business development and oversee several new related initiatives. Under prior law,

CTNext was governed by a 12-member board of directors, half of which were generally required to be experienced entrepreneurs.

CTNext Purposes, Powers, and Duties Transferred to DECD

The act allows DECD to use any available funds from the CTNext Fund (see below) for purposes formerly assigned to CTNext. Broadly, CTNext was charged with supporting the state's entrepreneurial ecosystem, and its specific purposes were to:

1. foster and oversee the growth and improvement of a statewide entrepreneurial ecosystem that supports Connecticut innovators and entrepreneurs;
2. initiate changes to outdated practices to improve this ecosystem;
3. maintain an active and conspicuous presence at all nodes of the ecosystem and increase their connections; and
4. regularly reassess the ecosystem's health, identify its changing needs, adopt or adapt initiatives to meet these needs, and give the General Assembly related legislative recommendations.

The act also expands the possible purposes for these funds, allowing DECD to carry out the above purposes to address infrastructure supporting innovators and entrepreneurs in addition to the statewide entrepreneurial ecosystem.

Under the act, DECD may also take various other actions formerly assigned to CTNext as secondary purposes (e.g., connecting certain entrepreneurs to one another and to federal, state, and private resources). The act generally leaves these purposes unchanged, but in facilitating the establishment of "innovation places" (and their development, growth, and evolution; see below), DECD must also do the same for incubator facilities. (CTNext generally inherited this duty from CI on September 1, 2016.)

The act also generally transfers former CTNext powers and duties to DECD (except for those it eliminates; see below) so that it may carry out the above purposes and broadly allows the commissioner to take any actions needed or convenient to carry out these transferred powers and duties. The act leaves the transferred powers generally unchanged, although it makes several minor modifications to certain powers (e.g., eliminating prior law's requirement that assisting in the creation of business accelerators include a satellite of a major national business accelerator).

Transferred Programs

Innovation Places Program. Prior law established an Innovation Places program within CTNext to foster innovation and entrepreneurship by facilitating this designation and creating innovation places consisting of one or more compact geographic areas within the same municipality that have entrepreneurial and innovation potential and meet certain other requirements. The act transfers authority over the program to DECD and makes it discretionary. It generally retains the program's existing provisions, however the act charges the DECD commissioner, rather than CTNext's board, with undertaking various program-related activities (e.g., reviewing applications and awarding grants, including related planning grants).

Entrepreneurs-in-Residence Program. The act transfers, from the CTNext executive director to the DECD commissioner, the authority to establish and operate an Entrepreneurs-in-Residence program (which may replace and incorporate any similar program that existed before July 1, 2018). In doing so, the act generally retains the program's existing provisions, but it specifies that the program may match certain highly experienced entrepreneurs with entrepreneurs and businesses in DECD's network (rather than CTNext's). It allows the commissioner, instead of the CTNext board, to come to an agreement with these entrepreneurs-in-residence on whether their retention will be on a paid or volunteer basis and specifies that any department employees serving in this role must do so as a volunteer, as was the case for CTNext employees under prior law.

Higher Education Entrepreneurship Grants and Advisory Committee. Prior law established a Higher Education Entrepreneurship Advisory Committee within CTNext to review applications for higher education entrepreneurship grants. The act instead transfers to the DECD commissioner the authority to establish this committee. If he does, the committee's membership is the same as under existing law, however the commissioner, rather than the CTNext board, (1) appoints the members and (2) receives the committee's recommendations for grant approvals. The act retains existing law's other provisions related to the committee (e.g., procedures for transacting business) and its prioritization criteria for grant applications.

Transferred Funds

CT Next Fund. By law, the CTNext Fund is a nonlapsing fund outside the General Fund that is administered by CI. The act allows CI to use the fund for the following purposes, which are generally authorized under existing law:

1. grants to entities planning and developing designated innovation places (see above),
2. projects that connect such places,
3. CTNext's statutory powers and duties,
4. higher education entrepreneurship grants and growth grants to certain start-up businesses, and
5. any other statutorily authorized purpose or activity.

The act expands the fund's allowable uses to include (1) terminating CTNext's operations and activities and (2) paying CTNext employees any reasonable and appropriate severance compensation approved by the former CTNext board of directors before July 1, 2024. It also eliminates two formerly allowed uses (i.e., awarding a one-time grant for an assessment of innovation and entrepreneurship in the state and giving competitive grants to start-up businesses located in, or relocating to, a single municipality in which a designated innovation place is located) to conform to the act's repeal of certain CTNext statutes (see below).

Under the act, expenditures from the CTNext Fund must be approved by the DECD commissioner, rather than the CTNext board of directors. As under existing law, any approval must be specific to an individual expenditure to be made or for budgeted expenditures with variations the commissioner, rather than the board, may authorize during budget approval. The act additionally eliminates prior law's provisions requiring CI to (1) prepare a plan of operations and an operating and capital budget for the fund each fiscal year and submit it to the board and (2) annually submit a report on the fund's activities, including specified information, to the board for its review and approval. Prior law also required that CI submit this approved report to the Commerce and Finance, Revenue and Bonding committees.

Proof of Concept Fund. The act allows the DECD commissioner, rather than CTNext's executive director, to jointly establish with CI's chief executive officer a proof of concept fund to make investments or give grants supporting commercialization activities relevant to key state industries. It retains existing law's provisions on awarding and prioritizing these grants.

Modified and Cancelled Bond Authorizations

Manufacturing Assistance Act (MAA) Bond Authorizations. The act modifies several previously enacted MAA bond authorizations that were earmarked for certain CTNext programs and purposes under prior law by instead specifying that DECD has authority over these authorizations (e.g., for innovation places, higher education entrepreneurship, growth grants, and CTNext Fund purposes). It also eliminates prior law's requirement that the CTNext Board, at least 30 days before using any unexpended funds from these authorizations, provide notice of and the reason for the use to the Commerce and Finance, Revenue and Bonding committees.

Other Cancelled and Modified Bond Authorizations. In addition to the modified bond authorizations discussed above, PA 24-151, § 29, (1) cancels $44 million of an existing $64.2 million bond authorization to recapitalize CTNext's Innovation Places program and (2) modifies the authorization's purpose by requiring that the bonds instead be used by DECD as CTNext's successor agency.

Repealed CTNext Provisions

The act repeals various provisions of prior law related to CTNext and its administration and powers. Generally, these are powers typically granted to quasi-public agencies that would not apply to DECD, which is a state agency. For example, it eliminates those related to CTNext employment and personnel, its board of directors, and its ability to accept grants and other contributions and procure insurance.

The act also specifically eliminates the following duties that were assigned to CTNext:

1. develop a plan to facilitate relationships between in-state businesses and higher education institutions for entrepreneurial research and talent development;
2. create and publicize an informational website that includes specified services and information for entrepreneurs;
3. advise the governor, legislature, DECD commissioner, and presidents of UConn and the Connecticut State Colleges and Universities on job creation and retention and certain matters impacting state policies, programs, employers, and residents;
4. annually develop, update, implement, and report on a strategic statewide innovation and entrepreneurship marketing plan for promoting Connecticut as an innovation and entrepreneurship hub;
5. connect entrepreneurs in designated innovation places with existing municipal and state resources to assist them with regulatory compliance; and
6. adopt a comprehensive program evaluation and measurement process to ensure CTNext programs are (a) administered appropriately and efficiently, (b) cost effective, (c) meeting CTNext's purposes, and (d) in compliance with statutory requirements.

Repealed CTNext Statutes

In addition to the repealed provisions discussed above, the act also repeals various CTNext-related statutes, including those:

1. requiring the CTNext board to adopt certain written procedures (CGS § 32-39h);
2. establishing various statutory definitions related to CTNext (CGS § 32-39j) (the act retains definitions applicable to CTNext powers, duties, and programs that it transfers to DECD);
3. requiring the CTNext board to award a one-time grant for certain assessments, audits, and reports related to innovation and entrepreneurship in the state (CGS § 32-39q);
4. allowing certain state agencies to give priority for financial assistance to entities located within a designated innovation place (CGS § 32-39r);
5. establishing a working group on innovation and entrepreneurship at higher education institutions and requiring the group to create a master plan and submit it to the CTNext board (CTNext was required to provide staff, office space and systems, and administrative support to the group) (CGS § 32-39s);
6. requiring CI to create a competitive grant program for start-up businesses located in, or relocating to, a single municipality where a designated innovation place is located (CGS § 32-39u);
7. requiring CTNext to maintain a website advertising Connecticut start-ups (a) eligible for cash investments from angel investors and (b) seeking funding on reward- and equity-based crowdfunding websites (CGS § 32-39v); and
8. requiring the CTNext board to issue a request for proposals to enter into an agreement with a private research organization to advise, guide, and assist the state in short- and long-term strategic economic planning (CGS § 32-39w).

§ 1 — JOBS CT

The JobsCT tax rebate program allows companies in specified industries (e.g., manufacturing and bioscience) to earn rebates against the corporation business, pass-through entity, and insurance premiums taxes for reaching certain job creation targets. Under existing law, a business's rebate is based on (1) the number of new FTEs created or maintained, (2) their average wage, and (3) the state income tax that a single filer would pay on this average wage. Generally, it equals 25% of the average state income tax that these employees would pay, multiplied by the number of employees.

FTE Definition

By law, "new FTEs" are those that did not exist in the state when the business applied to the DECD commissioner for acceptance into the program. Under prior law, the definition excluded, among other things, FTEs hired to replace FTEs that existed in the state after January 1, 2020.

The act eliminates this exclusion and instead excludes FTEs hired to replace those that existed in the state in the two-year period immediately before the date the business submits its rebate application.

Wage Requirements

To qualify as a new FTE under prior law, an employee had to 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.

The act replaces this requirement with two alternatives:

1. the greater of (a) 85% of median household income for the FTE position's primary location or (b) 120% of the state minimum wage on the date the business applies to DECD for a rebate, multiplied by 2,000 hours (e.g., $37,656 in 2024), or
2. the greater of (a) at least 100% of the median household income for the municipality with the lowest median household income of all municipalities contiguous to the position's primary location or (b) 100% of statewide median household income.

Alternative Metrics

The law requires the DECD commissioner, when reviewing a business's JobsCT application, to determine whether the (1) 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 a baseline number of jobs. (The act changes this baseline from the number that existed before January 1, 2020, to the number that existed before the two-year period prior to the business's program application.)

Under prior law, the business had to meet each of these requirements to be eligible for the rebate program. The act allows the DECD commissioner, when he determines that a business cannot reasonably meet metrics and FTE hiring targets in its program application, to substitute another requirement or metric similar in intent to the requirement or metric the applicant could not reasonably meet.

People With Intellectual Disability

The act changes the rebate calculation for companies employing at least one new FTE who is a person with intellectual disability. Under prior law, if the business created and maintained at least 15 new FTEs and at least one of these FTEs was a person with intellectual disability, the business qualified for a 50% rebate for new FTEs (rather than the program's standard 25% rate), based on the state income tax that would be paid by the new FTEs.

The act eliminates this provision and instead allows businesses meeting the above criteria to claim an additional rebate for each person with intellectual disability (i.e., DECD calculates the business's overall rebate amount for new FTEs and then adds an additional rebate based on each new FTE with intellectual disability). Under the act, the additional rebate equals 25% of the calendar year wages paid to each of these people. The act also allows these additional rebates to exceed the program's rebate cap of $5,000 per new FTE.

§ 2 — COMMUNITY INVESTMENT FUND 2030

By law, the CIF is a five-year bonding program running through FY 27 to fund "eligible projects" in certain municipalities (i.e., those designated as public investment communities or alliance districts). Eligible projects may be proposed by a municipality, community development corporation, or nonprofit corporation and must further consistent and systematic fair, just, and impartial treatment of all individuals.

Under prior law, CIF could fund grants for (1) a revolving loan program, microloans, or gap financing to small businesses located within an eligible municipality or (2) start-up funds to establish a small business there. The act eliminates CIF awards for these purposes.

The act also makes technical and conforming changes (e.g., repealing language about the conditions these proposed loans must meet). The law, unchanged by the act, also allows CIF awards for projects that promote economic or community development in eligible municipalities.

§ 3 — URBAN ACT GRANT PROGRAM

By law, the Urban Act grant program is generally open to state-designated distressed municipalities, public investment communities, and urban centers under the state's Plan of Conservation and Development (CGS § 4-66b). The program provides funds to improve and expand state activities promoting community conservation and development and quality of life for urban residents. The Office of Policy and Management receives and reviews funding requests and then directs them

to the agencies with expertise in the area for which a project is seeking assistance (e.g., OPM may direct an economic development project to DECD).

Before entering into a grant contract under the program, existing law requires the DECD commissioner to approve the application submitted on forms he provides. The act additionally allows the commissioner to request information needed to evaluate the application. It requires the commissioner to set the terms and conditions of grant contracts for these projects and allows him to make related stipulations. The act eliminates prior law's provisions (1) prohibiting eligible projects from starting until the DECD commissioner approves the plans, specifications, and estimated costs and (2) allowing him to adopt implementing regulations. (Existing regulations adopted in 1984 specify DECD's application review process under the program (Conn. Agencies Regs., § 4-66c-1).)

BACKGROUND

Related Act

PA 24-151, §§ 118-123, gives projects identified in a 10-year plan to reduce concentrated poverty in specified census tracts priority for CIF awards, if they also meet certain program criteria. It also decreases the number of new FTEs that a business must create and maintain to be eligible for the JobsCT program if at least three of these FTEs live in a concentrated poverty census tract.

PA 24-29—sHB 5182
Education Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE EDUCATION AND EARLY CHILDHOOD STATUTES

SUMMARY: This act makes technical revisions to the education statutes.
EFFECTIVE DATE: Upon passage

PA 24-41—sHB 5436
Education Committee

AN ACT CONCERNING EDUCATOR CERTIFICATION, TEACHERS, PARAEDUCATORS AND MANDATED REPORTER REQUIREMENTS

TABLE OF CONTENTS:

§ 10 — CREATION OF THE CONNECTICUT EDUCATOR PREPARATION AND CERTIFICATION BOARD

Creates the new 16-member CEPCB and charges it with modernizing and aligning educator preparation and certification to attract and retain diverse teachers, and developing proposals for regulations or legislation on educator preparation and certification; requires the board to submit its first annual report to the Education Committee by January 1, 2026

§ 11 — CEPCB AND SBE CONSIDER EACH OTHER'S PROPOSALS

Authorizes CEPCB and SBE to each develop standards and proposals for regulations and legislation on educator preparation and certification; requires each board to consider the other board's proposals

§§ 12-14 — CEPCB DUTIES, PROPOSALS, AND REPORTING REQUIREMENTS

Requires CEPCB to (1) develop proposals for regulations and legislation related to educator preparation and certification, including a review of obsolete and conflicting provisions; (2) review how SDE assesses certification candidates' content knowledge in their endorsement area; and (3) develop approval criteria for reviewing educator preparation and ARC programs

§ 15 — EDTPA

Beginning July 1, 2024, bans SBE from (1) using the results of edTPA to deny an initial educator certificate or (2) requiring teacher preparation programs to use edTPA as a program requirement; as of the same date, bans teacher preparation programs from using edTPA scores to prevent a student from completing their program

§§ 16 & 17 — TECHNICAL HIGH SCHOOL AND TRADE OCCUPATIONS EDUCATOR CERTIFICATIONS

Creates and specifies requirements for new occupational subject and trade and industrial occupations educator certifications; allows for interim certifications under certain conditions

§ 18 — FMLA FOR NONCERTIFIED SCHOOL BOARD EMPLOYEES

Reduces, from 1,250 to 950, the number of hours that noncertified school employees must have worked in the previous 12 months to qualify for unpaid family and medical leave from work

§ 19 — CEPCB ADMINISTRATOR

Requires, for FY 25, OPM to reclassify one unfilled, authorized SDE position to hire an administrator for CEPCB

§§ 20-38 — CHANGES TERM TO "PARAEDUCATOR"

Changes the terms "school paraprofessional," "paraprofessional," and "paraprofessional teacher aide" to "paraeducator" in various education-related statutes

§ 23 — NOTICE REQUIREMENTS BEFORE SPECIAL EDUCATION PLANNING AND PLACEMENT MEETINGS

Requires the notice that school boards must give parents, guardians, or students before a special education planning and placement team meeting to include their legal rights at these meetings

§ 39 — GOVERNOR'S WORKFORCE COUNCIL

Adds a certified teacher to the council's membership

§§ 40 & 48 — PRELIMINARY INQUIRIES BY MANDATED REPORTERS

Specifies that (1) the mandated reporter law does not prohibit mandated reporters from making a preliminary inquiry to determine if reasonable cause exists for a report and (2) this inquiry is not an abuse or neglect investigation by a school board

§§ 40, 42-45 & 47 — MANDATED REPORTERS MINOR AND TECHNICAL CHANGES

Adds students in nonpublic schools to the list of students for whom the school employee-specific mandated reporter provisions apply; makes technical and conforming changes

§ 41 — IMMUNITY FROM LIABILITY

Extends immunity from criminal or civil liability to persons, institutions, and agencies that, in good faith, do not make a report

§ 43 — FAILURE TO REPORT

Requires the DCF commissioner to assess mandated reporters' failure to report within timeframes required by law, rather than investigate delayed reports as prior law required

§ 46 — EMPLOYMENT HISTORY REVIEWS

Excludes, from the information that must be disclosed by school employment applicants' previous employers, information about a substantiated abuse or neglect or sexual misconduct allegation if the substantiation was reversed in an appeal to DCF

§ 49 — DCF TRAINING

Requires DCF to update its training program and refresher training for school employees

§ 50 — ASPIRING EDUCATORS DIVERSITY SCHOLARSHIP PROGRAM

Makes the scholarship available to students who graduate from public high schools in alliance districts, rather than public high schools in priority school districts

§ 51 — REPEALED REGULATIONS

Repeals numerous educator preparation program and certification regulations, effective July 1, 2026

SUMMARY: This act makes numerous changes to the laws on educator certification, teacher subject endorsements, paraeducator training and development, and mandated reporter requirements and training, as described in the section-by-section analysis below.
EFFECTIVE DATE: July 1, 2024, unless otherwise noted below.

§§ 1 & 6 — CHANGES TO EDUCATOR CERTIFICATION

Simplifies the steps required to receive an initial educator certification for those in an ARC program; reduces the number of teacher certification levels from three to two by eliminating the provisional level and making the initial certification valid for 10 years; establishes new criteria for a professional educator certificate (the highest level) including allowing an alternate pathway to professional licensure instead of the master's degree requirement

Paths to Initial Certification

The act simplifies the steps required to receive an initial educator certificate for those in an alternate route to certification (ARC) program. It requires the State Board of Education (SBE) to issue an initial educator certificate to a candidate with a bachelor's or advanced degree from an accredited higher education institution who:

1. successfully completed an SBE-approved educator preparation program,
2. successfully completed an ARC program under state law, or
3. is an educator from another state and meets one of a list of requirements in Connecticut law (see below).

An out-of-state teacher may be issued an initial certificate if he or she:

1. graduated from a teacher preparation program at an accredited institution in another state or an SBE-approved ARC program, but has not successfully completed the Connecticut teacher assessments;
2. has taught in another state with an appropriate certificate for at least two years and meets the Connecticut certification requirements except for successful completion of the teacher assessments;
3. was hired by a charter school after July 1 in any school year for a teaching position, so long as the person could reasonably be expected to complete the requirements in the 90-day temporary certification law (see *Background — Temporary 90-Day Certificate*);
4. received a satisfactory score on the appropriate educator subject area assessment or exam in another state, if SBE approves the assessments or exams as being at least equivalent with Connecticut's;
5. taught in a state that participates in the enhanced educator reciprocity agreement with Connecticut; or
6. holds a military spouse permit.

The ARC pathway can be successfully completed by one of four types of ARC program authorized in law:

1. for school administrators (CGS § 10-145p);
2. for school support staff (CGS § 10-145t);
3. for persons from alternate professions (e.g., paraeducators, veterans, professors employed or previously employed at a higher education institution) (CGS § 10-145w); and
4. summer and weekend and evening ARC program (for target groups including teachers in shortage areas and former teachers with expired certification who want to return to the profession) (CGS § 10-155d).

Prior law allowed teacher certification through ARC programs but required these candidates to also satisfy the requirements of a temporary 90-day certificate or a resident teacher certificate (see *Background — Temporary 90-Day Certificate*). The act eliminates this requirement.

The act also authorizes SBE to issue an initial certificate to candidates who have not completed one of the three pathways but who present a combination of education and experience that the state board determines equals the education and experience required under the act.

Certificate Levels

Under prior law, Connecticut had three main levels of teacher certification: (1) initial (generally valid for three years), (2) provisional (generally valid for eight years), and (3) professional (generally valid for 10 years). Generally, to continue teaching, initial certificate holders had to qualify for and receive a provisional certificate within the validity period of the initial certificate, and then provisional certificate holders had to qualify and receive a professional certificate within the validity period of the provisional certificate.

The act replaces this with a two-level structure by eliminating the provisional certificate level, extending the validity period for the initial certificate to 10 years, and allowing initial certificate holders to apply for a professional certificate. It also modifies the criteria for a professional certificate.

Initial Certificate Validity. The act extends existing initial educator certificates that are unexpired on July 1, 2025, for a period of 10 years from their issue date, and makes any new certificates issued on or after July 1, 2025, valid for 10 years. By law, the commissioner may extend initial certifications for an additional year at a superintendent's or local assessment team's request. The act prohibits the commissioner from granting this extension more than three times to any person.

Provisional Certificate Elimination. Beginning July 1, 2025, the act eliminates SBE's and the education commissioner's authority to issue and reissue provisional certificates and allows those holding initial certificates (or those with existing provisional certificates) to apply for a professional certificate rather than a provisional certificate. Under the act, anyone holding a provisional certificate who is not eligible to advance to the professional certificate is eligible for an initial certificate.

New Criteria for Professional Certificate. The act modifies the qualification requirements for a professional certificate. Beginning July 1, 2025, upon receipt of a proper application, SBE must issue a professional educator certificate to any person who satisfies the following qualifications:

1. completed at least 50 school months (five years) of successful teaching for one or more boards of education or approved nonpublic schools in Connecticut while holding an initial educator or provisional educator certificate;
2. satisfactorily completed the teacher education and mentoring program, as required under state law; and
3. either (a) holds a master's degree or higher in an appropriate subject matter area or (b) completed an alternate pathway to professional licensure jointly approved by SBE and the Educator Preparation and Certification Board (see § 10) (but SBE may waive this requirement for good cause).

Generally, the act's changes modify the teaching experience requirement to account for the elimination of the provisional certificate level and provide a way for a teacher to receive professional certification without a master's degree.

Under prior law, to qualify for a professional certificate a candidate had to have (1) a provisional educator certificate; (2) at least 30 school months' teaching experience under the provisional educator certificate; and (3) a master's degree in an appropriate subject matter area, as determined by SBE, related to the teacher's certification endorsement area. To qualify for a provisional certificate, prior law required a candidate to have either taught for (1) one year in a public school and completed the beginning educator program or (2) at least three years within the last 10 years in a public school in another state or for a private school in any state, including Connecticut, that meets certain qualifications.

The act eliminates language that permits granting provisional certifications for certain teachers who have taught in another state or in private schools in Connecticut and meet certain conditions. Instead, these teachers may be issued an initial certificate (see above).

The act makes other minor and conforming changes including removing obsolete provisions.

Background — Temporary 90-Day Certificate

Those seeking a temporary 90-day certificate must (1) hold a bachelor's degree from an accredited institution with a major either in, or closely related to, the endorsement area being sought or have at least the required number of subject credit hours; (2) pass the appropriate teacher assessment; and (3) successfully complete a state-approved ARC program.

In addition, the (1) local board must submit a request to the State Department of Education (SDE) with a plan to supervise the 90-day certificate holder and (2) applicant must have an overall GPA of at least a B and present evidence of experience working with children. The law allows the education commissioner to waive the last two requirements for good cause.

§§ 2 & 4 — BROADENING GRADES COVERED BY CERTAIN TEACHING ENDORSEMENTS

Makes elementary educator endorsements valid for teaching preschool and kindergarten and broadens the grades covered by certain subject matter endorsements from 7 through 12 to 4 through 12

The act broadens the scope of elementary educator endorsements to cover preschool and kindergarten. Under prior law, elementary endorsements were generally valid for either kindergarten through grade six or grades one through six, depending on various factors including when they were issued. Under the act, any elementary endorsement SBE issues on or after July 1, 2025, will be valid for grades prekindergarten through six, as will endorsements issued before that date to teach grades one through six or grades kindergarten through six.

The act also makes the following endorsements for grades 7 to 12 valid for grades 4 to 12, regardless of when they were issued: biology, business, chemistry, earth science, English, French, German, general science, history and social studies, Italian, Latin and classical humanities, Mandarin Chinese, mathematics, Portuguese, physics, Russian, Spanish, and any other world language.

Revised Endorsements Do Not Require Applications (§ 4)

The act specifies that any holder of an initial, provisional, or professional educator certificate whose endorsement has been revised as described above (§ 2) does not have to apply for a revised endorsement and will be allowed to teach under the revised endorsement.

Beginning July 1, 2026, SBE must assign the revised endorsement when an educator's certificate is issued or reissued, as appropriate.

§ 3 — ELEMENTARY EDUCATION TEACHER PREPARATION PROGRAMS

Beginning July 1, 2025, requires that elementary education teacher preparation programs be aligned with NAEYC standards and competencies for early childhood educators

Beginning July 1, 2025, the act requires that any elementary education teacher preparation program leading to certification be aligned with the professional standards and competencies for early childhood educators developed by the National Association for the Education of Young Children (NAEYC).

§ 5 — SUBJECT AREA ASSESSMENTS AND CROSS ENDORSEMENTS

Simplifies the process for certified teachers to gain an additional endorsement (i.e., "cross endorsement")

Starting July 1, 2024, the act requires SDE to issue a cross endorsement to any person who holds an initial, provisional, or professional educator certificate and scores a satisfactory evaluation on the appropriate SBE-approved subject area assessment. The act specifies that this provision does not apply to the endorsement areas of special education, teaching English to speakers of other languages, bilingual, remedial reading and remedial language arts, or school library media specialist.

Under prior law, SDE only had to do so for endorsement areas corresponding to a teacher shortage area.

§ 7 — ARC PROGRAMS FOR SCHOOL SUPPORT STAFF

Allows SDE to approve ARC programs that partner with an accredited university to provide a dual degree-plus-certification program for participants who hold an associate degree

As part of the existing law authorizing approval of ARC programs for people employed as school support staff, the act allows SDE to approve programs that partner with a higher education institution that is regionally accredited or has an equivalent accreditation, to offer a dual degree-plus-certification program for participants with associate degrees. Under prior law, SDE could only approve programs that accepted only those who already have a bachelor's degree.

When deciding whether to approve these programs, the act also requires SDE to give priority to the programs that give participants flexibility to remain in their school support staff positions while pursuing an initial educator certificate, other than when they are completing the one-year residency requirement (i.e., serving under supervision in a position requiring professional certification).

By law, school support staff are people employed by a school board as a behavior analyst, an assistant behavior analyst, an athletic coach, or a paraeducator.

§ 8 — ARC PROGRAM ELIGIBILITY EXPANDED

Expands who may participate in an existing ARC program for people in alternate professions to include someone with at least five years of work experience requiring discretion and independent judgment in the field related to the teaching endorsement area

The act expands the definition of who may participate in an existing ARC program for people in alternate professions. Under existing law, the following people qualify to participate in the program: (1) paraeducators, (2) veterans, (3) holders of SBE issued charter school educator permits, and (4) currently or previously employed professors at accredited higher education institutions. The act expands this list to include someone with at least five years of work experience requiring the consistent exercise of discretion and independent judgment in the field related to the person's chosen teaching endorsement area. As under existing law, all participants must hold a bachelor's degree.

§ 9 — ADVISORY COUNCIL FOR TEACHER PROFESSIONAL STANDARDS

Requires the council to advise and report annually to the SDE commissioner, rather than the governor and SBE; adds to the subjects for which the council must provide advice (e.g., equitable distribution of teachers); eliminates a requirement that the council advise on teacher preparation and certification and review and comment on certain regulations and standards

The act makes several changes affecting the Connecticut Advisory Council for Teacher Professional Standards. It eliminates a requirement that the council advise and report annually to the governor and SBE and instead requires it to do so for the SDE commissioner. Under existing law, unchanged by the act, it must also advise and report annually to the Education Committee.

Under existing law, the council must advise on teacher recruitment, retention, professional development, assessment and evaluation, and professional discipline. The act additionally requires it to advise on the equitable distribution of teachers, diversity of the teaching workforce, special education, testing and assessment of students, school safety, and social-emotional learning. It eliminates requirements that the council (1) advise on teacher preparation and certification and

(2) review and comment on regulations and other standards on approving teacher preparation programs and teacher certification.

The act also requires the council to (1) share perspectives on the impact of proposed policies and initiatives on classroom practice with the commissioner and Education Committee and (2) provide suggestions and feedback on guidance to be sent to school districts related to implementing these policies and initiatives with the commissioner.

§ 10 — CREATION OF THE CONNECTICUT EDUCATOR PREPARATION AND CERTIFICATION BOARD

Creates the new 16-member CEPCB and charges it with modernizing and aligning educator preparation and certification to attract and retain diverse teachers, and developing proposals for regulations or legislation on educator preparation and certification; requires the board to submit its first annual report to the Education Committee by January 1, 2026

The act creates the Connecticut Educator Preparation and Certification Board (CEPCB) and makes it responsible for modernizing and aligning educator preparation and certification to ensure that policies attract and retain effective and diverse professionals to work in Connecticut's public schools.

The board must develop standards and proposals for educator preparation and certification regulations or legislation that reflect the profession and respond to emerging understandings of effective, evidence-based practices. (The act also repeals numerous educator preparation and certification regulations (see § 51).)

Additionally, these standards and proposals must address these objectives:

1. building streamlined, flexible pathways in the educator profession that are grounded in educator effectiveness;
2. enabling educators to broaden their practice to meet more students' needs;
3. ensuring educator preparation programs are accountable for candidates' quality training and outcomes;
4. creating a system to help educators continuously improve their practice that supports and rewards educator mastery;
5. supporting improved data transparency regarding the state's distribution of educators and educator vacancies and accountability for remedying observed inequities; and
6. treating educators as professionals and lifelong learners who need access to high-quality professional learning and mentorships throughout their careers.

Board Members and Appointing Authorities

Under the act, the board has 16 members. In addition to the 13 appointed members shown in the table below, the board includes the following officials or their designees: the education commissioner, the early childhood commissioner, and the Technical Education and Career System superintendent.

Connecticut Educator Preparation and Certification Board
Appointed Members

Member Type	*Appointing Authority*	*Qualification*
Public school teachers who are classroom teachers throughout their term	Connecticut Education Association	Two appointees: one kindergarten through grade six teacher and one high school teacher
	American Federation of Teachers-Connecticut	One appointee who is a special education teacher
	Connecticut Teacher of the Year Council	One appointee
SBE-approved educator preparation program representatives	American Association of Colleges for Teacher Education Connecticut Chapter	One appointee who represents a public higher education institution's educator preparation program
	Connecticut Conference of Independent Colleges	One appointee
	Education commissioner	One ARC program representative
Administrators employed by a school board	Connecticut Association of Public School Superintendents	One school superintendent for an urban district

Member Type	*Appointing Authority*	*Qualification*
	Connecticut Association of Schools	One rural district representative
	Connecticut Federation of School Administrators	One suburban district representative
Additional appointees	Connecticut Association of Boards of Education	One appointee
	Connecticut Business and Industry Association (CBIA)	One CBIA education and workforce affiliation representative
	Increasing Educator Diversity Policy Oversight Council	One Increasing Educator Diversity Policy Oversight Council representative

Initial Appointments, Vacancies, Bylaws, Board Chair, and Staff

All initial board appointments must be made by August 1, 2024. The appropriate appointing authority must fill any vacancy within 10 days. Members serve three-year terms. The board must establish its operation and management bylaws.

The board chairperson and vice chairperson must be elected from among the board's voting members. The act requires the education commissioner to designate an SDE employee to serve as the board's administrator (see § 19 below).

Annual Report to the Education Committee

The board must develop an annual report that includes a detailed summary of the substance and disposition of any standards and proposals for regulations or legislation the board or SBE develops under the act (see § 11) and submit the report to the Education Committee. The first report is due January 1, 2026.

§ 11 — CEPCB AND SBE CONSIDER EACH OTHER'S PROPOSALS

Authorizes CEPCB and SBE to each develop standards and proposals for regulations and legislation on educator preparation and certification; requires each board to consider the other board's proposals

The act authorizes CEPCB and SBE to each develop standards and proposals (i.e., "proposals") for regulations and legislation on educator preparation and certification. The act creates a process where the boards exchange their proposals to be either approved or rejected within 60 days after receiving them (e.g., CEPCB sends its proposals to SBE, and SBE sends its proposals to CEPCB).

If both boards approve a proposal, then for a proposal that:

1. requires regulations, SBE must adopt regulations consistent with the approved proposal and
2. requires legislation, the proposal will be submitted to the Education Committee for consideration.

§§ 12-14 — CEPCB DUTIES, PROPOSALS, AND REPORTING REQUIREMENTS

Requires CEPCB to (1) develop proposals for regulations and legislation related to educator preparation and certification, including a review of obsolete and conflicting provisions; (2) review how SDE assesses certification candidates' content knowledge in their endorsement area; and (3) develop approval criteria for reviewing educator preparation and ARC programs

Regulatory and Legislative Proposals (§ 12)

By July 1, 2025, the act requires CEPCB to develop proposals for regulations and legislation on the following specific matters:

1. criteria for assessing school boards', regional educational service centers', and other entities' proposals for alternative pathways for educators to (a) progress from initial certificate to professional certificate or (b) receive a cross endorsement that will allow them to teach in content areas or grades beyond their initial certification endorsement areas;
2. how well degrees from SBE-approved educator preparation programs will align with the revised endorsement

areas under § 2;
3. the adequacy and relevance of current subject endorsement areas for educator certification;
4. implementing the Council for the Accreditation of Educator Preparation standards for educator preparation programs;
5. the need for the temporary 90-day certificate; and
6. the design and development of a statewide data dashboard that enables longitudinal monitoring of educator workforce data.

Annual Data Collection, Evaluation, and Proposals (§ 12)

The act also requires the board to annually do the following, beginning by July 1, 2026:
1. collect and review (a) state-specific data, including qualitative data on stakeholders' experiences and quantitative data from SDE on educator vacancies, shortage areas, and the educator preparation program dashboard, and (b) data on applicable national policy developments on educator preparation, certification, and employment;
2. evaluate whether any changes are needed to the educator preparation and certification frameworks; and
3. develop, as necessary, evidence-based standards and proposals for regulations and legislation to strengthen existing systems.

Other Review and Recommendation Requirements (§ 13)

The act requires CEPCB to:
1. look for obsolete or conflicting provisions in educator preparation and certification regulations and statutes,
2. review the state's approach to assessing educator certification candidates' content knowledge within their endorsement areas as required by state law, and
3. develop recommendations for alternatives for certification candidates to show content knowledge.

The board must submit its findings and any legislative recommendations to SBE and the Education Committee by January 31, 2025.

Also, the act requires CEPCB to:
1. review certification endorsement areas to develop standards on endorsement area adequacy and relevance, including whether to expand grade ranges for endorsement areas;
2. explore alternative pathways for receiving cross endorsements; and
3. consider whether to give ARC program providers authority over candidate admission criteria for their programs.

The board must submit a report on its findings and any legislative recommendations to SBE and the Education Committee by July 1, 2025.

Standards for Reviewing Educator Preparation Programs (§ 14)

The act requires CEPCB to develop standards for criteria to use when reviewing new or continuing educator preparation programs and ARC programs for approval. The standards must require that the (1) programs obtain program approval every seven years and (2) approval methodology be (a) based on final accreditation decisions of the Council for the Accreditation of Educator Preparation and (b) classified in approval, provisional, probationary, or denial of approval categories. The board must complete the standards by July 1, 2026.

§ 15 — EDTPA

Beginning July 1, 2024, bans SBE from (1) using the results of edTPA to deny an initial educator certificate or (2) requiring teacher preparation programs to use edTPA as a program requirement; as of the same date, bans teacher preparation programs from using edTPA scores to prevent a student from completing their program

Beginning July 1, 2024, the act prohibits SBE from requiring an SDE-approved teacher preparation program to use edTPA, a preservice performance assessment, as a (1) requirement for students to complete their programs and (2) program preservice performance assessment. In doing so, it overrides a 2016 SBE resolution that required all teacher preparation programs in the state to require satisfactory completion of edTPA (see *Background — edTPA*) by all teacher candidates in order to complete a teacher preparation program.

The act also prohibits SBE from using edTPA results to deny an application for an initial educator certificate.

Also, beginning July 1, 2024, the act bans teacher preparation programs at higher education institutions from using edTPA results to deny a candidate completion of their program. But the act permits these institutions to use the results as a diagnostic tool to provide necessary remedial instruction to a candidate while enrolled in their program.

Background — edTPA

The Stanford Center for Assessment, Learning, and Equity created edTPA, and Pearson Assessments, Inc., scores and administers it across the country.

§§ 16 & 17 — TECHNICAL HIGH SCHOOL AND TRADE OCCUPATIONS EDUCATOR CERTIFICATIONS

Creates and specifies requirements for new occupational subject and trade and industrial occupations educator certifications; allows for interim certifications under certain conditions

The act creates two new statutory occupational initial educator certifications (similar versions of these certifications exist in regulations). One enables the holder to teach an occupational subject in the Connecticut Technical Education and Career System (CTECS) (formerly known as the technical high schools) and the other to teach trade and industrial occupations in comprehensive high schools.

Occupational Subject Certification (§ 16)

Under the act, a CTECS "occupational subject" at least includes automobile servicing, carpentry, plumbing, culinary arts, electronics, cosmetology, and public safety. (CTECS high schools offer a wide range of occupational programs that, in addition to the areas mentioned above, also include architecture; information technology; manufacturing; marketing and sales; and heating, ventilation, and air conditioning.)

The act authorizes SBE to issue an initial educator certificate for occupational subjects to an applicant who has:

1. a high school diploma or its equivalent;
2. five years of experience in the field for which the certificate is sought, which may include up to two years in a registered apprenticeship, work-based learning program, or specialized schooling;
3. completed at least six semester hours of credit teaching vocational and industrial education; and
4. completed at least three semester hours of special education study, including (a) understanding the growth and development of exceptional children, including children with a disability, gifted and talented children, and children who may require special education, and (b) methods for identifying, planning for, and working effectively with special needs children in the regular classroom.

Trade and Industrial Occupations Certification (§ 17)

For the comprehensive high schools, "trade and industrial occupations" at least include food service, automotive servicing, machine tool and operation, building maintenance and repairs, welding, appliance repair, and public safety.

The act authorizes SBE to issue an initial educator certificate for trade and industrial occupations in comprehensive high schools to an applicant who has:

1. submitted a written request from a school board;
2. a high school diploma or its equivalent;
3. completed at least three years of approved successful work experience appropriate to the field for which the certificate is sought, which may include up to two years of specialized appropriate schooling;
4. completed at least six semester hours of credit in professional education in areas such as (a) teaching vocational and industrial education or (b) foundations of education, educational or adolescent psychology, psychology of learning, curriculum and methods of teaching, classroom instruction and management, multicultural diversity, or equity issues in education; and
5. completed at least three semester hours of special education study, including (a) understanding the growth and development of exceptional children, including children with a disability, gifted and talented children, and children who may require special education, and (b) methods for identifying, planning for, and working effectively with special needs children in the regular classroom.

The act authorizes the holder of an initial educator certificate for trade and industrial occupations to teach in a comprehensive high school trade and industrial program in grades 6 to 12, but it is not valid to teach at CTECS.

Interim Educator Certificates

The act offers a way for applicants to receive an interim educator certificate for either an occupational subject at CTECS or trade and industrial occupations at comprehensive high schools when they do not meet the special education course requirements but are otherwise eligible for a certificate. In these cases, SDE may issue an interim educator certificate. The certificate is initially valid for one year, but the commissioner may reissue the certificate for a second year.

If the holder of an interim educator certificate fails to meet the course requirements when the certificate expires, the commissioner must prevent the holder from serving in a position covered by the initial educator certificate for occupational subjects at CTECS or for trade and industrial occupations at comprehensive high schools. However, the act allows the applicant's deficient course work to be deferred for one additional year for good cause.

§ 18 — FMLA FOR NONCERTIFIED SCHOOL BOARD EMPLOYEES

Reduces, from 1,250 to 950, the number of hours that noncertified school employees must have worked in the previous 12 months to qualify for unpaid family and medical leave from work

The act reduces the number of work hours noncertified school employees need to qualify for unpaid family and medical leave from work.

Under federal law, all municipal employees, including all public school employees, qualify for unpaid leave and job reinstatement under the Family and Medical Leave Act (FMLA) if they have been employed by the municipality or school district for at least 12 months and worked at least 1,250 hours in the previous 12 months. The act requires boards of education to give noncertified employees benefits equal to those provided by the federal FMLA if they have (1) been employed by the board for at least 12 months and (2) worked at least 950 hours for the board during the 12 months before taking the benefit. (Connecticut's FMLA law does not cover municipal employees.)

The act similarly reduces the work requirement, from 1,250 to 950 hours in the previous 12 months, for noncertified employees to request leave to serve as an organ or bone marrow donor.

Noncertified employees are board of education employees, such as cafeteria workers, janitorial staff, administrative support staff, and security staff, who do not need a professional education certificate like other school professions (e.g., teachers or school social workers). Existing law already allows school paraprofessionals (who are also noncertified employees) to qualify for the leave, including for organ or bone marrow donation, after working 950 hours.

The act also makes technical changes.

§ 19 — CEPCB ADMINISTRATOR

Requires, for FY 25, OPM to reclassify one unfilled, authorized SDE position to hire an administrator for CEPCB

The act requires, for FY 25, the Office of Policy and Management (OPM) secretary, in consultation with the education commissioner, to reclassify one unfilled, authorized position at SDE to hire a CEPCB administrator. SDE must use funds appropriated to the department's personal services account to fill the reclassified position.

§§ 20-38 — CHANGES TERM TO "PARAEDUCATOR"

Changes the terms "school paraprofessional," "paraprofessional," and "paraprofessional teacher aide" to "paraeducator" in various education-related statutes

The act changes the terms "school paraprofessional," "paraprofessional," and "paraprofessional teacher aide" to "paraeducator" in various education-related statutes to conform with other sections of education law.

§ 23 — NOTICE REQUIREMENTS BEFORE SPECIAL EDUCATION PLANNING AND PLACEMENT MEETINGS

Requires the notice that school boards must give parents, guardians, or students before a special education planning and placement team meeting to include their legal rights at these meetings

By law, school boards must give a parent or guardian (or student if he or she is emancipated or over 18 years old) at least five days' notice before any planning and placement meeting for students eligible or being evaluated for special

education and related services. The act requires this notice to state the rights of the parents, guardians, and students at these meetings.

These include the right to (1) be present at and participate in the entire meeting where the student's educational program is developed, reviewed, or revised and (2) have advisors of the person's own choosing, the paraeducator assigned to the student, the birth-to-three coordinator, if any, and a language interpreter, if needed.

§ 39 — GOVERNOR'S WORKFORCE COUNCIL

Adds a certified teacher to the council's membership

The act adds a certified teacher to the Governor's Workforce Council's membership. The teacher must be appointed by the governor and employed by a local or regional board of education.

By law, the council consists of stakeholders, legislators, and government agency representatives that advise the governor on workforce development matters. Its statutory duties include, among other things, convening state agencies, educational institutions, business leaders, and others to (1) inform state workforce development policy, (2) help state agencies and educational institutions align with employers' needs, and (3) help businesses understand how to contribute to the state's workforce efforts (CGS § 31-3h).

§§ 40 & 48 — PRELIMINARY INQUIRIES BY MANDATED REPORTERS

Specifies that (1) the mandated reporter law does not prohibit mandated reporters from making a preliminary inquiry to determine if reasonable cause exists for a report and (2) this inquiry is not an abuse or neglect investigation by a school board

The law designates certain professionals (e.g., school employees, health professionals, and coaches) as mandated reporters of suspected child abuse and neglect. Generally, they must report to the Department of Children and Families (DCF) or law enforcement within prescribed timeframes when, in the ordinary course of their employment or profession, they have reasonable cause to suspect or believe that a child (1) has been abused or neglected, (2) has an injury that is at variance with its given history, or (3) is at imminent risk of physical harm.

Under existing law, a mandated reporter's suspicion or belief does not require certainty or probable cause and may be based on, among other things, allegations, observations, facts, or statements by a child, victim, or third party. The act specifies that (1) the mandated reporter law does not prohibit mandated reporters from making a preliminary inquiry to determine if reasonable cause exists for a report and (2) this inquiry is not an abuse or neglect investigation by a school board. (Generally, the law requires school boards to investigate abuse and neglect allegations but requires them to allow and give priority to any investigation by DCF or a law enforcement agency.) The act also requires DCF to develop training on how to conduct preliminary inquiries (see § 49 — DCF TRAINING).

§§ 40, 42-45 & 47 — MANDATED REPORTERS MINOR AND TECHNICAL CHANGES

Adds students in nonpublic schools to the list of students for whom the school employee-specific mandated reporter provisions apply; makes technical and conforming changes

The law requires a school employee (see *Background — School Employees*) to report to DCF if he or she, in the ordinary course of his or her employment or profession, has reasonable cause to suspect or believe that a student enrolled in a technical high school or a school under the local or regional board of education's jurisdiction (other than an adult education program) is a victim of any of the following crimes committed by a school employee: 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; or 3rd degree sexual assault with a firearm.

The act extends this requirement to situations where the alleged victim is a student in a nonpublic school. (Private school employees are mandated reporters under existing law.) It also makes technical and conforming changes (e.g., updating internal references).

Under prior law and the act, 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 (see Table on Penalties). 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.

Background — School Employees

The law defines a "school employee" 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 (CGS § 53a-65).

§ 41 — IMMUNITY FROM LIABILITY

Extends immunity from criminal or civil liability to persons, institutions, and agencies that, in good faith, do not make a report

Existing law grants immunity from civil or criminal liability to persons, institutions, and agencies that, in good faith, report suspected child abuse or neglect or alleged sexual assault of a student to DCF or law enforcement as required or permitted by law. The act extends this immunity to persons, institutions, and agencies that, in good faith, do not make such a report.

§ 43 — FAILURE TO REPORT

Requires the DCF commissioner to assess mandated reporters' failure to report within timeframes required by law, rather than investigate delayed reports as prior law required

Prior law required the DCF commissioner to investigate delayed reports by mandated reporters following a department-developed policy. The act instead requires the commissioner, following the department's policy, to assess mandated reporters' failure to make reports within the time period prescribed by law. It also makes conforming changes (e.g., the department's policy must cover assessments instead of investigations).

Relatedly, the act requires DCF to make a record of mandated reporters' failure to report within the required timeframe, rather than a record of a delayed report as prior law required. It also expands this requirement to cover all mandated reporters, rather than only those employed by a school board as prior law required.

By law, mandated reporters must make oral or electronic reports to DCF or a law enforcement agency as soon as practicable but no later than 12 hours after the reporter has reasonable cause to suspect abuse or neglect and, for oral reports, must follow up with a written report within 48 hours (CGS §§ 17a-101b & -101c).

§ 46 — EMPLOYMENT HISTORY REVIEWS

Excludes, from the information that must be disclosed by school employment applicants' previous employers, information about a substantiated abuse or neglect or sexual misconduct allegation if the substantiation was reversed in an appeal to DCF

The law requires school boards, charter school governing councils, magnet school operators, and supervisory agents of nonpublic schools to review an applicant's employment history before offering employment (including contract employment) if the applicant would have direct student contact. As part of this review, these entities must send the applicants' previous employers an SDE-developed form that asks, among other things, if the employer has knowledge of the following:

1. a substantiated allegation against the applicant of abuse or neglect or sexual misconduct;
2. whether the applicant resigned, was asked to resign, otherwise separated from employment, or was disciplined because of a substantiated allegation of these acts; or
3. whether the applicant surrendered a professional or occupational license, certificate, authorization, or permit, or had it suspended or revoked, because of a substantiated allegation of these acts.

The act narrows the scope of this review to exclude substantiated allegations that were reversed in an appeal to DCF (i.e., appeals of a DCF determination that an individual should be placed on the state's child abuse and neglect registry).

§ 49 — DCF TRAINING

Requires DCF to update its training program and refresher training for school employees

The law requires DCF to develop a training program and refresher training for mandated reporters on accurately and promptly identifying and reporting suspected child abuse and neglect. The act requires DCF, by October 1, 2024, to update the training and refresher programs to include training for school employees on (1) properly conducting a preliminary inquiry (see above) and (2) DCF's Careline and investigations by the department and school boards.

Under existing law, school employees hired by a school board must be required to complete the training program. They must then complete the refresher training every three years (CGS § 17a-101i(g)).

EFFECTIVE DATE: Upon passage

§ 50 — ASPIRING EDUCATORS DIVERSITY SCHOLARSHIP PROGRAM

Makes the scholarship available to students who graduate from public high schools in alliance districts, rather than public high schools in priority school districts

The law requires SDE to administer an aspiring educators diversity scholarship program for students who graduate from public high schools in certain school districts and are enrolled in a teacher preparation program at a four-year higher education institution. The act broadens the scholarship's availability by making it available to students who graduate from public high schools in alliance districts, rather than public high schools in priority school districts as prior law required. Under existing law, the state has 15 priority school districts and 36 alliance districts.

§ 51 — REPEALED REGULATIONS

Repeals numerous educator preparation program and certification regulations, effective July 1, 2026

Effective July 1, 2026, the act repeals the SBE educator preparation program and certification regulations shown in the table below.

SBE Educator Preparation and Certification Regulations Repealed, by Citation and Topic

Regulation Citation	*Topic*
10-145d-9(b) to -145d-9(e)	Procedures for educator preparation program approval
10-145d-9(g)(1), 10-145d-9(i)	SBE authority to approve or deny request for continuing approval; just cause authority to change approval status
10-145d-10(a) to -145d-10(b)(9), 10-145d-10(c) to -145d-10(g), 10-145d-11	Educator preparation program standards and approval criteria, including student admission standards
10-145d-400a(a) to -145d-400a(d)	Code of professional responsibility for teachers
10-145d-401(a), 10-145d-401(c)	Personnel certification requirements (selected provisions)
10-145d-402	Application forms
10-145d-403(b), 10-145d-403(g)	Application documentation and materials required (selected provisions)
10-145d-404 to -145d-406	Assessment requirements, exceptions; acceptability of course work
10-145d-407(a), 10-145d-407(b), 10-145d-407(d), 10-145d-407(f), 10-145d-407(h), 10-145d-407(i)	Responsibilities of employing agents of school boards (selected provisions)
10-145d-409 to -145d-415	Validity of certificates issued before July 1, 1989; certification types; certificate of eligibility; initial, interim, 90-day temporary, and provisional educator certificates

Regulation Citation	*Topic*
10-145d-417	Professional educator certificate
10-145d-419	Limited extended authorization for early childhood
10-145d-420(f)	Waiver of requirement that substitute teacher have a bachelor's degree
10-145d-421(b), 10-145d-422	Requirements of a durational shortage area permit; durational shortage area permit reissue
10-145d-423(a)	Coaching permits (obsolete provision)
10-145d-426	Adult education authorization
10-145d-427	Reissuance and extension of certificates
10-145d-434, 10-145d-435(b)	Validity of certificates specific to elementary grades and kindergarten
10-145d-436 to -145d-438	Elementary level: Initial, provisional, and professional educator certification requirements
10-145d-441 to -145d-443	Foreign languages pre-K through grade eight: Initial, provisional, and professional educator certification requirements
10-145d-444 to -145d-448	Middle grades (grades four through six or five and six depending on school grade structure): Initial, provisional, and professional educator certification requirements
10-145d-449 to -145d-453	Secondary grades (grades 7-12): Initial, provisional, and professional educator certification requirements
10-145d-472 to -145d-474	Teaching English to speakers of other languages: Initial, provisional, and professional educator certification requirements
10-145d-476 to -145d-479	Bilingual education: Initial, provisional, and professional educator certification requirements
10-145d-481, 10-145d-482(c), 10-145d-482(d), 10-145d-483, 10-145d-484	Remedial reading and remedial language arts: Validity of certificates; initial educator certification requirements (selected provisions); provisional and professional educator certification requirements
10-145d-535 to -145d-537	Special education - Blind, partially sighted, or hearing impaired: Initial, provisional, and professional educator certification requirements
10-145d-539 to -145d-542	Comprehensive special education: Validity of certificates; initial, provisional, and professional educator certification requirements
10-145d-608 and 10-145d-609	Discontinued endorsements (previously issued, but no longer available)

EFFECTIVE DATE: July 1, 2026

PA 24-45—sHB 5437
Education Committee
Appropriations Committee

AN ACT CONCERNING EDUCATION MANDATE RELIEF, SCHOOL DISCIPLINE AND DISCONNECTED YOUTH

TABLE OF CONTENTS:

§§ 16 & 17 — SCHOOL CLIMATE SURVEYS AND CLIMATE IMPROVEMENT PLANS

Requires the development of a (1) school climate survey standard and (2) model school climate improvement plan

§§ 18 & 19 — LOCAL SCHOOL CLIMATE STEPS

Requires school climate surveys to meet or use the state school climate survey standards; allows a local school climate specialist to incorporate the model school climate plan into his or her school climate plan

§ 20 — STATE DIRECTOR OF SCHOOL CLIMATE IMPROVEMENT

Requires SDE to appoint a state director of school climate improvement

§§ 21 & 22 — DISCONNECTED YOUTH

Requires P20 WIN to (1) develop a plan to establish a statewide data intermediary to assist nonprofits serving disconnected youth and (2) annually report on disconnected youth to the legislature using specified data

§§ 23 & 24 — YOUTH SERVICE BUREAUS

Requires school boards, when requested by a YSB, to enter into an MOU on when students' educational records may be shared between the board and YSB; allows private youth-serving organizations to establish a YSB if they are designated to act as agents of one or more school boards

§ 25 — CREDIT RECOVERY PROGRAMS

Requires school boards with a credit recovery program as part of their alternative education to allow certain students enrolled in a traditional school program to simultaneously enroll in the credit recovery program

§ 26 — MODEL STUDENT WORK RELEASE POLICY

Requires the chief workforce officer to consult with the SDE commissioner when updating the model student work release policy

§§ 27 & 28 — WORKING GROUPS ON HIGH SCHOOL GRADUATION REQUIREMENTS, GRADING POLICIES, AND ACCOUNTABILITY INDEX

Allows (1) CABE to convene a working group to review high school graduation requirements and (2) CEA and AFT-CT to jointly convene a working group to review high school grading policies and the accountability index

§ 29 — BEREAVEMENT AND GRIEF COUNSELING SERVICES TASK FORCE

Establishes a 13-member task force on bereavement and grief counseling services

SUMMARY: This act makes various changes in the state's education laws as described in the section-by-section analysis below.
EFFECTIVE DATE: July 1, 2024, except as noted below.

§§ 1 & 30 — EDUCATION MANDATE REVIEW ADVISORY COUNCIL

Establishes a 10-member Education Mandate Review Advisory Council to advise and provide annual reports to the Education Committee; repeals a mandate working group established in 2023

Duties

The act establishes a 10-member Education Mandate Review Advisory Council to advise and provide annual reports to the Education Committee on the (1) cost and implementation of existing education mandates on local and regional boards of education and (2) impact of proposals to add to or revise these mandates (§ 1). It repeals an 11-member working group established in 2023 with a similar charge (§ 30).

Under the act, the council's annual reports may include a review of education mandates on school boards in the state's laws and regulations to identify those that may be burdensome or limit or restrict instruction or services for students. For these mandates, a report must have a detailed analysis and indicate the specific statutory or regulatory citation and how it is imposed on the board. It must also make recommendations on repealing or amending any statutes or regulations.

Under the act, the council's reports to the Education Committee must be submitted annually beginning by January 1, 2025. They must include recommendations for legislation (if any) as well as the following:

1. a review of all existing education mandates in state law;
2. costs incurred by school boards to implement these mandates; and
3. how the boards implement the mandates, including how often and when they are provided.

Membership

Under the act, the council consists of 10 legislative appointees who must meet certain criteria, as shown in the table below.

Council Membership

Appointing Authority	*Appointee Criteria*
House speaker	Represents the Connecticut Association of Boards of Education
Senate president pro tempore	Represents the Connecticut Association of Public School Superintendents
House majority leader	Represents the Connecticut Association of Schools
Senate majority leader	Represents the Connecticut Association of School Business Officials
House minority leader	Member of a local or regional school board
Senate minority leader	Represents the Connecticut Federation of School Administrators
Education Committee House chairperson and ranking member (one each)	Public school paraeducator in Connecticut
Education Committee Senate chairperson and ranking member (one each)	Public school teacher in Connecticut*

*PA 24-81, § 108, instead requires the (1) chairperson to appoint a Connecticut Education Association representative and (2) ranking member to appoint an American Federation of Teachers-Connecticut representative

The act requires appointing authorities to make their initial appointments by August 1, 2024, and fill any vacancies. The initial terms end on January 31, 2029, and subsequent terms last for five years. The act allows members to serve multiple terms.

The act requires the House speaker and Senate president pro tempore to select the council's chairpersons from among its members. The chairpersons must schedule and hold the first meeting by October 1, 2024. The Education Committee's administrative staff must serve as the council's administrative staff.

§§ 2-5 — IN-SERVICE TRAINING

Requires (1) a school board's professional development and evaluation committee to determine the manner and frequency of in-service training for certified educators and (2) school boards to provide the required subject matter at least once every five years; eliminates specified subject matter from in-service training that, generally, is addressed by other training requirements; restores in-service training requirements that inadvertently would have sunset in 2025

Existing law requires school boards to have an in-service training program for teachers, administrators, and pupil personnel who hold an educator certificate. The act requires (1) the school board's professional development and evaluation

committee to determine the manner and frequency of the training and (2) school boards to provide the required subject matter at least once every five years.

Additionally, the act eliminates requirements that the training include (1) identification and prevention of and response to bullying, (2) culturally responsive pedagogy and practice, and (3) the principles and practices of social-emotional learning and restorative practices. Generally, training on these subjects is required by other statutes (e.g., certified employees' professional development programs must include culturally responsive pedagogy and practice (CGS § 10-148a)). The act also makes conforming changes.

Effective July 1, 2025, the act also restores in-service training requirements enacted in 2023 on special education, planning and placement teams and Section 504 plans (Rehabilitation Act of 1973), and emergency response to students who experience a seizure in school. These requirements were enacted in two 2023 public acts (PA 23-137, § 49, and PA 23-160, § 2) but were set to end June 30, 2025, due to a codification conflict with a different act (PA 23-167, § 60).

EFFECTIVE DATE: July 1, 2024, except that the restoration of the 2023-enacted requirements is effective July 1, 2025.

§ 6 — LARGE ORGANIC MATERIALS GENERATORS

For public and private K-12 facilities, (1) delays, from January 1, 2025, to July 1, 2026, the requirement for certain organic materials generators to separate the materials and recycle them and (2) limits the requirement to buildings or facilities located within a 20-mile radius of a permitted source-separated organic material composting facility

Beginning January 1, 2025, PA 23-170, § 5, expands the scope of the law requiring certain organic materials generators to separate the materials and recycle them. Among other things, it requires public and private educational facilities (and other newly included entities) that generate an average projected volume of at least 26 tons of source-separated organic materials (e.g., food scraps) per year to (1) separate the materials from other solid waste and (2) recycle them at a permitted source-separated organic material composting facility that has capacity and is willing to accept them.

For public and nonpublic school buildings or facilities with students in grades K-12 (in any combination), this act (1) delays the implementation of this requirement to July 1, 2026, and (2) limits it to buildings and facilities located within a 20-mile radius of a permitted source-separated organic material composting facility. It retains the January 1, 2025, implementation for public or independent higher education institution buildings or facilities.

§§ 7 & 8 — RESERVE FUNDS

Allows local boards of education, rather than local boards of finance or other appropriating authorities, to deposit unspent education funds into a nonlapsing account; allows regional boards of education to create reserve funds for educational expenditures, rather than reserve funds for capital and nonrecurring expenditures

Prior law allowed a town board of finance, board of selectmen in a town with no board of finance, or other appropriating authority for a school district to deposit unspent education funds into a nonlapsing account. Beginning with FY 24, the act instead allows the local board of education to make this deposit. As under existing law, the deposit may be up to 2% of the previous fiscal year's budgeted appropriation for education, and account expenditures must be only for educational purposes (§ 7).

Beginning with FY 24, the act allows regional boards of education to create reserve funds for educational expenditures, rather than reserve funds for capital and nonrecurring expenditures as prior law allowed, and makes conforming changes (e.g., repealing language that limited fund expenditures to certain capital projects and equipment purchases). As under existing law, boards may create the fund by a majority vote of their members, and the aggregate amount of annual and supplemental appropriations by the district to the fund cannot exceed 2% of the annual district budget for the fiscal year (§ 8).

EFFECTIVE DATE: Upon passage

§§ 9 & 10 — HIGH SCHOOL GRADUATION REQUIREMENTS

Delays the FAFSA completion requirement to the graduating class of 2027 and exempts certain international students at endowed academies from the requirement; eliminates the option for school boards to require students to complete a one-credit mastery-based diploma assessment; eliminates the ban on partisan political activities counting as community service; adds physician assistants to the list of practitioners who may certify that a student should not participate in physical education

FAFSA Completion

Beginning with the graduating class of 2025, prior law required students to complete a Free Application for Federal Student Aid (FAFSA), institutional financial aid application (if the student does not have legal immigration status), or signed waiver in order to graduate from high school. The act delays the requirement by two years, to the graduating class of 2027.

The act also exempts endowed academy students who hold F-1 visas from this requirement (i.e., nonimmigrant student visas). The state has three endowed academies that function as public high schools under state law (Gilbert School, Norwich Free Academy, and Woodstock Academy).

Credit Requirements

Beginning with the graduating class of 2027, the act eliminates the option for school boards to require students to complete a one-credit mastery-based diploma assessment (i.e., a "capstone") in order to graduate from high school.

Additionally, existing law requires students, beginning with the graduating class of 2027, to complete a half-credit of personal financial management and financial literacy, which may count as either a humanities credit or an elective credit. The act provides a third option by allowing this requirement to count as a science, technology, engineering, and mathematics credit.

Community Service

Existing law allows school boards to offer, and count towards high school graduation requirements, one half-credit in community service. Among other things, students must complete at least 50 hours of actual service outside of school hours.

The act eliminates prior law's (1) ban on partisan political activities counting as community service and (2) requirement that the State Board of Education give community service recognition awards to students who complete at least 50 hours of community service.

Physical Education

Existing law requires students to complete one credit in physical education and wellness unless they present a certificate from a physician or advanced practice registered nurse stating that, in the practitioner's opinion, participation is medically contraindicated by the student's physical condition. The act additionally allows students to present this certificate from a physician assistant.

§§ 9, 11 & 12 — STUDENT SUCCESS PLANS

Requires that student success plans consider enrollment opportunities in the Connecticut Technical Education and Career System

The act requires that student success plans consider enrollment opportunities in the Connecticut Technical Education and Career System. By law, school boards must create a student success plan for each public school student beginning in sixth grade. The plan must include the student's career and academic choices in grades 6-12.

§ 13 — IN-SCHOOL SUSPENSIONS

Reduces the maximum number of consecutive days for in-school suspensions from 10 to 5

The act reduces, from 10 to 5, the maximum number of consecutive days for an in-school suspension that a school may give a student. By law, an in-school suspension is an exclusion from regular classroom activity but not from school, and it must not extend beyond the end of the school year.

§ 14 — STANDARD FOR EARLY GRADES OUT-OF-SCHOOL SUSPENSION

Changes the standard for out-of-school suspensions in early grades and shortens the maximum out-of-school suspension for these grades from 10 to 5 days

The act changes the standard for out-of-school suspensions for grades preschool to two to situations with evidence that the student's conduct on school grounds is behavior that causes physical harm. Under prior law, the standard was conduct of a violent or sexual nature that endangers people.

Additionally, under the act, to suspend a student in these grades, the school administration must (1) require that the student receives trauma-informed and developmentally appropriate services that align with any behavioral intervention plan, individualized education program, or Section 504 plan (Rehabilitation Act of 1973) when the student returns to school immediately after the suspension and (2) consider whether to convene a planning and placement team meeting to evaluate whether the student may need special education or related services.

The act also limits out-of-school suspensions for this group to no more than five school days. By law, out-of-school suspensions for other grades may not be longer than 10 consecutive school days.

§ 15 — SRO REPORTS

Requires SROs to give their investigation and intervention reports to the school superintendent if their police chief is not POST-certified

The law generally requires each school resource officer (SRO) to give his or her agency's police chief a report for each investigation or behavioral intervention the SRO conducts within five days after doing so. The law details what must be in the report and requires police chiefs to submit SROs' reports to their school districts' superintendents at least monthly.

The act further specifies that if the SRO's chief of police is not Police Officer Standards and Training Council (POST)-certified, then the SRO must instead submit the reports to the superintendent. (In some towns, by charter or municipal ordinance, the chief law enforcement officer is the first selectman.) POST provides the required training for all uniformed municipal police in the state.

§§ 16 & 17 — SCHOOL CLIMATE SURVEYS AND CLIMATE IMPROVEMENT PLANS

Requires the development of a (1) school climate survey standard and (2) model school climate improvement plan

The act requires the Social and Emotional Learning and School Climate Advisory Collaborative (i.e., "the collaborative") to develop a (1) school climate survey standard and (2) model school climate improvement plan. For the survey, the standards must address collecting diversity, equity, and inclusion data and how to reduce disparities in data collection between school districts.

By law, the collaborative has numerous responsibilities related to fostering a positive school climate, including developing a statewide school climate survey and a model positive school climate policy.

The act includes duplicate sections of the same law with different effective dates to conform with changes from past legislation.

EFFECTIVE DATE: July 1, 2024 (§ 16), and July 1, 2025 (§ 17)

§§ 18 & 19 — LOCAL SCHOOL CLIMATE STEPS

Requires school climate surveys to meet or use the state school climate survey standards; allows a local school climate specialist to incorporate the model school climate plan into his or her school climate plan

Under existing law, a "school climate survey" must be a research-based, validated, and developmentally appropriate survey for students, school employees, and families of students, in the predominant languages of the school community, that measures and identifies school climate needs and tracks progress through a school climate improvement plan.

The act additionally requires that the surveys meet the collaborative survey standards or use the statewide school climate survey that the collaborative develops.

By law, the school climate specialist has numerous duties at the individual school level. The act allows a school climate specialist to incorporate the model school climate improvement plan into his or her school climate improvement plan. As under existing law, the specialist must submit the plan to the school district's school climate coordinator for review and approval.

§ 20 — STATE DIRECTOR OF SCHOOL CLIMATE IMPROVEMENT

Requires SDE to appoint a state director of school climate improvement

The act requires the State Department of Education (SDE), within available appropriations, to appoint a director of school climate improvement to serve as the statewide social and emotional learning and school climate expert. Under the act, the director's duties include annually submitting, beginning by January 1, 2026, a report to the Education Committee on recommendations for best practices and school climate improvement strategies in the state.

At the state level, the act requires the director to also do the following:

1. help the collaborative develop and implement tools and best practices for school climate and culture, including developing a model school climate survey and a model school climate improvement plan, and
2. in collaboration with the collaborative, develop strategies to improve service delivery for social and emotional learning, skills building, and mental health supports.

At the local level, the act requires the director to do the following:

1. help school boards implement the (a) state anti-bullying, school climate, and social and emotional learning policy and requirements and (b) Connecticut school climate policy;
2. provide information and assistance to school boards, students, and parents and guardians of students on the uniform bullying complaint form;
3. help school climate coordinators (the districtwide school climate official) develop a continuum of strategies to prevent, identify, and respond to challenging behavior; and
4. develop and provide technical assistance and recommendations, in collaboration with the collaborative, to school boards on school employee trainings for school climate improvement.

§§ 21 & 22 — DISCONNECTED YOUTH

Requires P20 WIN to (1) develop a plan to establish a statewide data intermediary to assist nonprofits serving disconnected youth and (2) annually report on disconnected youth to the legislature using specified data

The act requires the Connecticut Preschool through Twenty and Workforce Information Network (P20 WIN) to develop a plan to establish a statewide data intermediary to provide technical support, create data-sharing agreements, and build and maintain the infrastructure needed to share data between nonprofit organizations serving disconnected youth. The P20 WIN executive board must submit the plan to the Education Committee by January 1, 2025.

The act additionally requires the P20 WIN executive board to submit a report on disconnected youth annually beginning by January 1, 2025, to the Appropriations, Children's, Education, Human Services, Judiciary, Labor and Public Employees, and Public Health committees. In developing the report, the board must use the data model established through the data-sharing agreement 0043 regarding Research on Disengaged and Disconnected Youth in Connecticut (i.e., a 2023 agreement between various state agencies, a nonprofit, and a private consulting firm to share certain data from P20 WIN).

For the plan and annual reports, a "disconnected youth" is an individual age 14-26 who is (1) an at-risk student (see below) or (2) not enrolled in high school and (a) does not have a high school diploma or its equivalent; (b) has a diploma or equivalent but is unemployed and not enrolled in an adult education program, institution of higher education, or a

workforce training or certification program, including an apprenticeship program, or otherwise pursuing postsecondary education; or (c) is incarcerated.

"At-risk" students are high school students who are in danger of not graduating due to, among other things, (1) not earning enough credits; (2) being chronically absent (i.e., absences totaling at least 10% of the number of days enrolled); or (3) behavioral and other disciplinary issues (e.g., suspensions and expulsions).

EFFECTIVE DATE: Upon passage

§§ 23 & 24 — YOUTH SERVICE BUREAUS

Requires school boards, when requested by a YSB, to enter into an MOU on when students' educational records may be shared between the board and YSB; allows private youth-serving organizations to establish a YSB if they are designated to act as agents of one or more school boards

Data-Sharing (§ 23)

The act requires school boards, when requested by a youth service bureau (YSB) that provides services to the board, to enter into a memorandum of understanding (MOU) on when students' educational records may be shared between the board and a YSB in the bureau's service provision. Any MOU must require the board to provide, and bureau to receive and maintain, any educational records in accordance with the federal Family Educational Rights and Privacy Act (FERPA, see *Background — FERPA*).

Establishing YSBs (§ 24)

Existing law allows one or more municipalities, or private youth-serving organizations they designate to act as their agents, to establish a YSB. The act additionally allows the organizations to establish a YSB if they are designated to act as agents of one or more local or regional boards of education.

As under existing law, the YSB may evaluate, plan, coordinate, and implement services, including prevention and intervention programs for delinquent, predelinquent, pregnant, parenting, and troubled youths referred to the bureau. The act specifies that these youths may be referred by, among other entities, school boards, rather than schools as prior law allowed.

Background — FERPA

Generally, FERPA requires schools, school districts, and federally funded institutions to keep personally identifying information (PII) in a student's records confidential unless (1) the parents (of students younger than age 18) or students age 18 or older ("eligible students") consent to disclose it or (2) one of the legal exceptions to the confidentiality requirement applies (20 U.S.C. § 1232g).

Under FERPA's regulations, "education records" are, with certain exceptions, records that refer to a student and are maintained by an educational agency or institution. Examples of PII include a student's name, date of birth, and personal identifier (34 C.F.R. § 99.3).

§ 25 — CREDIT RECOVERY PROGRAMS

Requires school boards with a credit recovery program as part of their alternative education to allow certain students enrolled in a traditional school program to simultaneously enroll in the credit recovery program

Existing law allows school boards to have a school or program in a nontraditional setting that addresses students' social, emotional, behavioral, and academic needs (i.e., "alternative education").

Under the act, school boards with a credit recovery program as part of their alternative education must allow students enrolled in a traditional school program and at risk of not graduating to also enroll in the credit recovery program while remaining enrolled in the traditional program. The boards must do so beginning with the 2024-25 school year.

§ 26 — MODEL STUDENT WORK RELEASE POLICY

Requires the chief workforce officer to consult with the SDE commissioner when updating the model student work release policy

Existing law allows the state's chief workforce officer to update the model student work release policy as necessary. The act requires her to consult with the SDE commissioner when doing so. By law, school boards must adopt the model policy or its most recent update beginning with the 2024-25 school year.

§§ 27 & 28 — WORKING GROUPS ON HIGH SCHOOL GRADUATION REQUIREMENTS, GRADING POLICIES, AND ACCOUNTABILITY INDEX

Allows (1) CABE to convene a working group to review high school graduation requirements and (2) CEA and AFT-CT to jointly convene a working group to review high school grading policies and the accountability index

The act allows the Connecticut Association of Boards of Education's (CABE) executive director to convene a working group of at least 15 members to review high school graduation requirements to identify requirements that limit or restrict instruction or service to students and recommend revisions (§ 27). CABE's executive director or a designee must chair the working group.

The act also allows the Connecticut Education Association (CEA) and the American Federation of Teachers-Connecticut (AFT-CT) presidents, or their designees, to jointly convene a working group of at least 15 members to review (1) high school grading policies used by local and regional boards of education and (2) the accountability index and information and data SDE uses to calculate index scores (§ 28). CEA's and AFT-CT's presidents, or their designees, must serve as the working group's chairpersons.

Under the act, the groups must each submit a report to the Education Committee by January 1, 2026. Each group terminates when it submits its report or July 1, 2026, whichever is later.

Membership

The act establishes identical membership requirements for the two groups. Both must include one representative from each of the following organizations:

1. CABE;
2. the Connecticut Association of Public School Superintendents;
3. the Connecticut PTA;
4. AFT-CT;
5. CEA;
6. the Connecticut Association of Schools;
7. the Connecticut Federation of School Administrators;
8. the Connecticut School Counselor Association;
9. the Connecticut Association for Health, Physical Education, Recreation and Dance; and
10. the Connecticut Business and Industry Association's education and workforce affiliate.

The groups must also include the following ex-officio members or their designees: the SDE commissioner and Education Committee's chairpersons and ranking members. Each group may also include additional members deemed appropriate by the group's chairpersons.

The act requires appointing authorities to make their initial appointments to the working groups by July 31, 2024, and fill any vacancies. Each group's chairpersons must schedule and hold the initial meetings by August 30, 2024. The groups may allow for public comment or seek input from students, parents, educators, boards of education, and other education stakeholders.

§ 29 — BEREAVEMENT AND GRIEF COUNSELING SERVICES TASK FORCE

Establishes a 13-member task force on bereavement and grief counseling services

Duties

The act establishes a 13-member task force to develop recommendations for creating and administering a statewide program for delivering bereavement and grief counseling services to children and families at no cost to participants.

The task force must make recommendations on the following issues:

1. appropriate administering agency or agencies;
2. scope of services, including those to marginalized communities and culturally informed services;
3. role that existing counseling services and school-based health centers should have in service delivery;
4. service delivery, including necessary resources, in parts of the state where services are currently insufficient or non-existent;
5. long-term funding sources; and
6. additional considerations the task force identifies.

The task force must submit a report on its findings and recommendations to the Children's and Public Health committees by July 1, 2025. It terminates on this date or when it submits its report, whichever is later.

Membership

Under the act, the task force consists of 13 members: eight legislative appointees (who may be legislators) who meet certain criteria, shown in the table below, and five ex-officio members, listed below the table. Appointing authorities must make their initial appointments by June 20, 2024, and fill any vacancies.

Appointed Task Force Members

Appointing Authority	*Criteria*
House speaker	Represents a bereavement and grief counseling services program that serves children and families
Senate president pro tempore	Represents a statewide association of school-based health centers
House majority leader	Represents a statewide association of school counselors
Senate majority leader	Represents the state chapter of a national nonprofit organization that works to improve the lives of children and families
House minority leader	Represents a child study center affiliated with a medical school in the state
Senate minority leader	A licensed psychologist who is an expert in treating bereaved children
Education Committee House chairperson and ranking member (joint appointment)	Experience with grief and bereavement
Education Committee Senate chairperson and ranking member (joint appointment)	Represents the Connecticut Association of School Psychologists

The task force also includes the following officials or their designees: the (1) children and families, education, mental health and addiction services, and public health commissioners and (2) Commission on Women, Children, Seniors, Equity and Opportunity's (CWCSEO) executive director.

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 and hold the task force's first meeting by July 20, 2024. CWCSEO's administrative staff must serve as the task force's administrative staff.

EFFECTIVE DATE: Upon passage

PA 24-74—sSB 5
Education Committee

AN ACT CONCERNING SCHOOL RESOURCES

TABLE OF CONTENTS:

SUMMARY: This act makes various unrelated changes to education law. A section-by-section analysis follows.
EFFECTIVE DATE: July 1, 2024, except the indoor air quality working group provision is effective upon passage.

§ 1 — CARE 4 KIDS ELIGIBILITY FOR CHILDREN ENROLLED IN MEDICAID

Expands eligibility for the Care 4 Kids program to include parents or guardians of children who are enrolled in Medicaid and adds them to the priority intake and eligibility list

The act expands Care 4 Kids program eligibility to parents or guardians of children who are enrolled in Medicaid and adds them to the existing priority intake and eligibility list. To be eligible under prior law, a family had to be income-eligible and have a parent or caretaker who is working, attending high school, receiving temporary family cash assistance and participating in an approved education or training program, or enrolled or participating in one of several education or career pathways. Under related federal regulations, these parents or guardians must still be working or attending a job training or educational program to qualify (see *Background — Federal Funding for Care 4 Kids)*.

As under existing law, these parents or guardians must meet the Care 4 Kids program's income guidelines to qualify. (The income limit for new Care 4 Kids program applications is 60% of the state median income (e.g., $79,910 for a family of four), while the income limit for Medicaid for children under age 19 is 196% of the federal poverty limit (e.g., $61,152 for a family of four).

Background – Federal Funding for Care 4 Kids

Federal regulation establishes eligibility for child care services funded through the Child Care Development Fund (CCDF). The regulation requires an eligible child to "reside with a parent or parents who are working or attending a job training or educational program" (45 C.F.R. § 98.20(a)(3)(i)).

The CCDF is administered by the U.S. Department of Health and Human Services. It is a state-federal program primarily used to provide financial assistance to low-income families for child care. The state Office of Early Childhood (OEC) uses the federal funds to support the Care 4 Kids program.

§§ 2 & 3 — OPEN CHOICE PROGRAM FOR NORWALK AND DANBURY

Expands the Open Choice pilot program for Norwalk by making it ongoing and allowing students who reside in Darien, New Canaan, Wilton, Weston, and Westport to attend public school in Norwalk; makes the Open Choice pilot program for Danbury ongoing

The act expands the Open Choice pilot program for Norwalk by making it ongoing every year and allowing students who reside in Darien, New Canaan, Wilton, Weston, and Westport to attend public school in Norwalk. Under prior law, for the school year beginning July 1, 2022, up to 50 students living in Norwalk could attend public school in Darien, New Canaan, Wilton, Weston, and Westport. Under the act, beginning with the July 1, 2024, school year, up to 50 students from Norwalk can go to school in those five districts and vice versa.

The act also makes the program ongoing, rather than for just the school year beginning July 1, 2022, for 50 students from Danbury who can attend public schools in New Fairfield, Brookfield, Bethel, Ridgefield, and Redding.

Under the act, any school district receiving students under this program must allow them to attend school in the district until they graduate from high school. Prior law already required this of districts receiving students from Danbury and Norwalk.

Open Choice is a voluntary interdistrict attendance program that allows students primarily from the Hartford, New Haven, and Bridgeport districts to attend suburban school districts, and vice versa, on a space-available basis. By law, Open Choice state grants range from $3,000 to $8,000 minimum per student, with larger grants for districts that enroll a higher percentage of Open Choice students.

The act also makes conforming changes and removes obsolete language.

§ 4 — MEDICAID ENROLLMENT DATA SHARE

Requires the social services and early childhood commissioners to enter into an MOU to share Medicaid enrollment data for people applying to Care 4 Kids

The act requires the social services and early childhood commissioners to enter into a memorandum of understanding (MOU) to share, to the extent federal law permits, Medicaid enrollment data between the Department of Social Services and OEC for Medicaid enrollees seeking to enroll in Care 4 Kids. The commissioners must do this by January 1, 2026.

The act specifies that OEC can only use the Medicaid enrollment data to help minimize the information that people applying for Care 4 Kids must submit during the application process.

Care 4 Kids is a child care subsidy program for low-income families (see § 1).

§ 5 — WHOLESOME SCHOOL MEALS PILOT PROGRAM

Pushes out the wholesome school meals pilot program's start date to FY 25 and makes conforming changes

The act pushes out the start date for the State Department of Education's (SDE) wholesome school meals pilot program, which awards grants to place a professional chef in alliance school districts. Under prior law, the pilot was administered for FYs 24 to 26 and the act changes this to FYs 25 to 27. It correspondingly removes the October 1, 2023, deadline to apply for the grant.

By law, the chefs must help school meal programs build food service staff capacity, improve meal quality, increase diner satisfaction, streamline operations, and establish a financially viable school meal program. The act eliminates the requirement that SDE partner with an organization that specializes in placing chefs for these purposes.

The act also specifies that SDE may award up to five of these grants, rather than requiring it to award five grants. By law, unchanged by the act, each grant recipient must receive an annual $150,000 grant in each year of the pilot.

The act also extends the deadline for SDE to report on the pilot to the Appropriations and Education committees from January 1, 2027, to January 1, 2028.

§ 6 — SCHOOL INDOOR AIR QUALITY WORKING GROUP

Extends the deadline for the indoor air quality working group; adds members to the group; and expands the group's charge

The act extends the deadline, from July 1, 2024, to January 1, 2031, for the school indoor air quality working group to submit its final report to the governor and the Education, Labor and Public Employees, and Public Health committees. It also requires annual progress reports from the working group, with the first due by January 1, 2025, until January 1, 2030. The final report is due January 1, 2031, and the group terminates on July 1, 2030, or when it submits its final report, whichever is later.

Additional Members and Additional Qualifiers

The act adds two members to the group, increasing its total membership from 23 to 25. Specifically, it requires the Senate and House majority leaders to each appoint a third member. The Senate majority leader must appoint a school building official with experience in operations and finance, infrastructure renewal, and project management, and the House majority leader must appoint a Capitol Region Council of Governments representative.

The act corrects the name of the sheet metal organization that has a representative on the board. It requires one of the three Senate president pro tempore appointments to be from the Connecticut Chapter of the Sheet Metal and Air Conditioning Contractors' National Association (rather than from the Associated Sheet Metal and Roofing Contractors of Connecticut). It also specifies that the House minority leader's industrial hygienist appointment must be from the UConn Health Center.

Group Charge

By law, the group must make recommendations to the legislature on a range of issues related to school indoor air quality, including (1) criteria for rating the priority of heating, ventilation, and air conditioning (HVAC) repair and remediation needs, (2) optimal HVAC performance benchmarks to minimize the spread of infectious disease, and (3) best practices for the proper maintenance of HVAC systems. The act additionally requires the group to recommend best practices and guidance for:

1. conducting HVAC system uniform inspections and evaluations, including (a) the addition of appropriate professionals to do this work, (b) which professionals may perform certain portions of the inspection and evaluation, and (c) the timing and manner of the inspections, and
2. procuring these services.

The act also requires the group to make recommendations on a model request for proposals that school boards can use when procuring inspection and evaluation services.

§ 7 — HVAC INSPECTION AND EVALUATION

Extends the deadline for school boards to complete an inspection and evaluation of their HVAC systems from January 1, 2025, to June 30, 2031

The act extends, from January 1, 2025, to June 30, 2031, the deadline for school boards to complete a uniform inspection and evaluation of their school buildings' HVAC systems required by law. Beginning July 1, 2026, school boards must conduct the inspection and evaluation in at least 20% of their schools each year until all schools in the district are inspected. It also requires that each school building be inspected again every five years.

Prior law required school boards to complete the uniform HVAC system inspection and evaluation in each school before January 1, 2025, and then every five years.

Similar to prior law, the act allows the Department of Administrative Services (DAS) to grant a waiver from the inspection requirement, upon a school board's request, if the department finds (1) there is an insufficient number of certified testing, adjusting, and balancing technicians; industrial hygienists certified by the American Board of Industrial Hygiene or the Board for Global EHS Credentialing; or mechanical engineers to perform the inspections and evaluations or (2) the board has scheduled the inspection for a date in the following year. Specifically, the act allows DAS to grant a waiver of up to one year from the five-year deadline and the requirement to inspect at least 20% of a district's schools each year. Prior law allowed a one-year waiver of the January 1, 2025, deadline.

By law the inspection and evaluation must identify the extent to which each school's ventilation system is operating to provide appropriate ventilation to the school building according to the most recent indoor ventilation standards. The inspection and evaluation must result in a written report that includes any corrective actions needed for the ventilation system or the HVAC infrastructure.

§ 8 — STATE GRANTS FOR HVAC INSPECTIONS

Delays, from July 1, 2024, to July 1, 2026, the prohibition on DAS awarding HVAC grants to applicants that have not certified their compliance with HVAC inspection and evaluation requirements

Prior law prohibited the DAS commissioner from awarding grants for HVAC or indoor air quality improvements to school districts that had not, as of July 1, 2024, certified compliance with the law's inspection and evaluation requirements. The act delays the start of this prohibition to July 1, 2026, to correspond to the delayed HVAC inspection and evaluation deadlines described above (see § 7). Presumably, if a district applies during the 2026 to 2031 time period, it will have to certify that it met the threshold percentage of inspecting at least 20% of its schools each year established under this act.

The law allows school boards and regional educational service centers (RESCs) to apply for the grants to reimburse costs for installing, replacing, or upgrading HVAC systems or related improvements. The school board may receive a reimbursement grant for 20% to 80% of its eligible expenses, based on its town ranking among all Connecticut towns using property wealth as a measure. As with the school construction grant program, less wealthy towns receive a higher reimbursement rate. RESCs are reimbursed under a similar method that reflects the wealth of the towns they serve.

PA 24-78—sSB 14
Education Committee
Appropriations Committee

AN ACT ASSISTING SCHOOL DISTRICTS IN IMPROVING EDUCATIONAL OUTCOMES, IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF EDUCATION AND THE TECHNICAL EDUCATION AND CAREER SYSTEM AND ESTABLISHING EARLY START CT

TABLE OF CONTENTS:

§§ 6 & 8 — GOODWIN UNIVERSITY MAGNET SCHOOLS TUITION AUTHORITY

Authorizes GUMS to charge tuition to boards of education whose students attend grades kindergarten to 12 at a GUMS-operated school

§ 7 — CONTINUOUS EMPLOYMENT AND TEACHER TENURE

Allows Goodwin magnet school teachers hired from other districts to be considered continuously employed for tenure and accumulated sick leave purposes

§§ 9 & 10 — SHEFF MAGNET SCHOOL REQUIREMENTS

Renews until June 30, 2025, the (1) requirement that Sheff magnet schools meet the required enrollment standards and (2) education commissioner's authority to assess a financial penalty on noncompliant schools; makes technical changes

§ 11 — CONNECTICUT-GROWN FOR CONNECTICUT KIDS WEEK

Requires SDE to provide technical assistance and support for schools to arrange for interactions between students and farmers, including field trips and presentations, as part of Connecticut-Grown for Connecticut Kids Week

§§ 12-16 — TRANSITION SERVICES AND PROGRAMS FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

Modifies the statutory definition of "transition service"; transfers responsibility for developing and maintaining an accessible online listing of transition resources and services from SERC to SDE's transition services coordinator; makes minor and conforming changes

§§ 17-22 — CTECS CONFORMING CHANGES

Makes several changes to conform the law to current practice and CTECS's establishment as an independent state agency

§ 23 — CTECS AND TRANSITION SERVICES

Explicitly requires CTECS to provide and fund transition services; requires CTECS to convene a planning and placement team meeting for home-schooled special education students before they enroll in a CTECS school

§§ 24, 25 & 41 — EARLY START CT

Eliminates various early childhood care programs and provisions and makes OEC responsible for operating and administering a state-funded early care and education system to coordinate and facilitate efficient delivery of early childhood care ("Early Start CT")

§ 26 — EARLY START CT FINANCIAL ASSISTANCE

Allows eligible entities to enter directly into a contract with OEC to receive state financial assistance to operate early childhood care and education programs under Early Start CT; establishes eligibility requirements and allows the OEC commissioner to consider certain criteria when determining eligibility; allows OEC to allocate a certain amount of funding for coordination, program evaluation, and administration

§§ 27 & 41 — LOCAL OR REGIONAL GOVERNANCE PARTNERS

Replaces school readiness councils with local or regional governance partners to assist in a community receiving Early Start CT funds; requires the membership of each local governance partner to reflect the racial, ethnic, and socioeconomic composition of the town or region it serves and to consist of early care and education stakeholders

§ 28 — SLIDING FEE SCALE

Requires OEC to establish a sliding fee scale for families enrolled in Early Start CT

§ 29 — UNEXPENDED EARLY START CT FUNDS

Allows up to $2 million in unexpended Early Start CT funds, beginning FY 25, to be used (1) to provide professional development for early care and education program providers, (2) to support early care and education programs in satisfying designated qualified staff requirements, or (3) for certain other purposes with the Office of Policy and Management's consent

§ 30 — EARLY CARE AND EDUCATION PROGRAM ACCREDITATION REQUIREMENTS

Generally requires any early care and education program receiving financial assistance under Early Start CT to be accredited or approved within three years of entering into an OEC contract

§§ 31 & 41 — EARLY CHILDHOOD EDUCATION PROGRAM STAFF REQUIREMENTS

Replaces staff qualification requirements and sets a schedule by which OEC-funded early childhood education program designated staff members must be designated qualified staff members meeting one of the criteria at the bachelor's degree level

§§ 32 & 41 — CONTRACT-BASED PROGRAM FOR FEDERAL HEAD START AND EARLY HEAD START GRANTEES

Replaces OEC's competitive grant program with a contract-based program for federal Head Start and Early Head Start grantees

§ 33 — OEC REGULATIONS, POLICIES, AND PROCEDURES

Requires OEC to implement policies and procedures needed to implement Early Start CT and other requirements under the act while adopting regulations

§ 34 — ALLOCATION OF FUNDS TO RESCS

Allows the OEC commissioner to allocate funds to (1) RESCs to provide professional development services, technical assistance and evaluation, and program planning and implementation activities, and (2) other entities, including boards of education

§§ 35-38 & 41 — FY 25 CONTRACT AND GRANT AMOUNTS FOR SPECIFIED EARLY CHILDHOOD PROGRAMS

Adjusts contract or grant amounts for FY 25 for certain early childhood programs that are repealed and replaced by the Early Start CT program on July 1, 2025

§ 39 — FAMILY CHILD CARE HOME LICENSE EXPANSION

Allows the OEC commissioner to issue licenses for up to 20 family child care home facilities anywhere in the state; adjusts the expiration date for all of the licenses the OEC commissioner issued under the family child care home license expansion

§ 40 — SMART START COMPETITIVE GRANT PROGRAM

Removes the cap on annual operating expense grants under the Connecticut Smart Start Program

SUMMARY: This act makes numerous unrelated changes to the education and early childhood statutes, as summarized in the section-by-section analysis below.
EFFECTIVE DATE: July 1, 2024, unless otherwise noted below.

§§ 1 & 2 — TEACHER PREPARATION PROGRAMS AND RESOURCES

Requires SDE's Center for Literacy Research and Reading Success to make certain resources available to the faculty of teacher preparation programs; expands the requirement that SDE's Office of Dyslexia and Reading Disabilities verify compliance with certain standards for educator preparation programs and educator certification applicants

The act requires the State Department of Education's (SDE's) Center for Literacy Research and Reading Success to make available to the faculty of teacher preparation programs (1) resources and research supporting scientifically based reading instruction (see *Background — Scientifically Based Reading Research and Instruction*) and (2) Connecticut's K-3 Literacy Strategy that the center develops. It replaces prior law's requirements that the center make available (1) materials related to the science of teaching reading, (2) the intensive reading instruction program, and (3) samples of available reviewed and approved reading curriculum models or programs. It also eliminates the requirement for the center to report on teacher preparation programs' progress in including these models or programs.

By law, SDE's Office of Dyslexia and Reading Disabilities must verify that educator preparation programs and applicants for educator certification comply with standards for dyslexia instruction and training. The act extends this requirement to cover intermediate administrator and supervisor preparation programs. It also expands the scope of the verification requirements to include verification that programs and applicants comply with (1) scientifically based reading, research, and instruction and (2) structured literacy instruction and training.

Background — Scientifically Based Reading Research and Instruction

Existing law defines "scientifically based reading research and instruction" as (1) a comprehensive program or a collection of practices based on reliable, valid evidence showing that when these programs or practices are used, students can be expected to achieve satisfactory reading progress and (2) the integration of strategies for continuously assessing, evaluating, and communicating the student's reading progress and needs in order to implement ongoing interventions so all students can read and comprehend text and apply higher-level thinking skills. The program or collection of practices must include instruction in oral language, phonemic awareness, phonics, fluency, vocabulary, rapid automatic name or letter name fluency, and reading comprehension.

§§ 3 & 4 — FEASIBILITY STUDY ON POTENTIAL STATE-WIDE PROGRAM TO SUPPORT STUDENT PARTICIPATION IN ADVANCED PLACEMENT COURSES

Requires SDE to conduct a study on the feasibility of establishing and administering a state-wide program to support public high school students' participation in advanced placement courses

The act requires SDE to conduct a study on the feasibility of establishing and administering a state-wide program to support public high school students' participation in advanced placement courses or programs, giving priority to students from low-income families. Under the act, these programs include an honors class, advanced placement class, International Baccalaureate program, Cambridge International program, dual enrollment program, dual credit course or program, early college program, or any other advanced or accelerated course or program offered and awarded credit by a local or regional board of education in grades 9 through 12, inclusive.

The act requires SDE to consult with local and regional boards of education and public and independent higher education institutions in conducting the study. Under the act, the study must review current instate programs providing advanced courses or programs, identify and analyze similar programs in other states, and make recommendations on the framework and criteria for implementing a statewide program.

The act requires SDE to submit a report and any recommendations on the establishment and implementation of the program to the Education Committee by January 1, 2026.

§ 5 — STATE SEAL OF BILITERACY

Allows a broader range of schools to award the Connecticut State Seal of Biliteracy on their high school diplomas

The act expands the types of schools that may affix the Connecticut State Seal of Biliteracy to the high school diplomas of students who achieve a high level of proficiency in English and one or more foreign languages.

It does this by allowing the governing body of any school that awards diplomas, instead of only local and regional boards of education, to use criteria the State Board of Education sets for awarding this designation. (Presumably, this

includes private schools in addition to public schools authorized under existing law.) The act also expands the definition of "foreign language" to include any language spoken by a Native American tribe, instead of only tribes that are federally recognized as under prior law.

§§ 6 & 8 — GOODWIN UNIVERSITY MAGNET SCHOOLS TUITION AUTHORITY

Authorizes GUMS to charge tuition to boards of education whose students attend grades kindergarten to 12 at a GUMS-operated school

The act extends to Goodwin University Magnet Schools ("GUMS") the same authority to charge tuition for its magnet schools, and the same conditions, as regional education service centers (RESCs). GUMS operates two magnet schools.

The act does this by granting the authority more broadly to any interdistrict magnet school operator that is (1) the board of governors or equivalent for an independent higher education institution or (2) any other third-party not-for-profit corporation the education commissioner approves. GUMS is the only current magnet school operator in this category.

The act authorizes GUMS to charge per-student tuition to sending districts whose students attend grades kindergarten to 12 at a GUMS-operated school. The tuition equals the difference between the (1) sending school's average per-pupil expenditure for the previous fiscal year and (2) magnet school grant amount received plus any revenue from other sources, calculated on a per-pupil basis. Starting in FY 25, the law caps tuition charged for all magnet schools at 58% of the per-student tuition charged for FY 24, which the act applies to GUMS.

Sheff Magnet Schools

By law, RESC magnet schools that help the state meet its obligations under the *Sheff* v. *O'Neill* Connecticut Supreme Court desegregation decision (see *Background — Sheff v. O'Neill State Supreme Court Decision*) may charge up to $4,053 for tuition to parents or guardians of children attending preschool at these schools, but they cannot charge tuition to any parent or guardian with a family income that is at or below 75% of the state median income. The state must cover the unpaid tuition for these parents, within available appropriations.

The act adds GUMS to the group that may charge preschool tuitions and applies the same limitations.

Background — Sheff v. O'Neill State Supreme Court Decision

In this 1996 decision, the Connecticut Supreme Court ruled that the state had a constitutional obligation to remedy the educational inequities in the Hartford schools caused by racial and ethnic isolation (238 Conn. 1 (1996)). The court ordered the state legislature and the governor to craft a solution, and legislation was passed to create voluntary desegregation in Hartford by creating interdistrict magnet schools and using programs such as Open Choice.

EFFECTIVE DATE: Upon passage

§ 7 — CONTINUOUS EMPLOYMENT AND TEACHER TENURE

Allows Goodwin magnet school teachers hired from other districts to be considered continuously employed for tenure and accumulated sick leave purposes

The act allows teachers employed by GUMS or Goodwin University Educational Services, Inc. (GUES) to be considered continuously employed when they previously worked for a local or regional board of education during the school year immediately before employment with GUMS. It applies to teacher tenure and paid sick leave accumulation and accrual from year to year. By treating the employment as continuous, a teacher does not lose tenure rights or accumulated sick leave earned before gaining employment with Goodwin University.

GUES and GUMS operate two magnet schools adjacent to Goodwin University in East Hartford. GUES is the parent organization, and GUMS has the day-to-day responsibility to run the magnet schools.

By law, a similar provision exists for teachers who are either being hired by a newly formed regional school district or are no longer employed by a regional district due to its dissolution.

§§ 9 & 10 — SHEFF MAGNET SCHOOL REQUIREMENTS

Renews until June 30, 2025, the (1) requirement that Sheff magnet schools meet the required enrollment standards and (2) education commissioner's authority to assess a financial penalty on noncompliant schools; makes technical changes

The act renews until June 30, 2025, the requirement that the education commissioner consider whether a *Sheff* magnet school meets the reduced-isolation standards required under *Sheff* to award grants to the school. The requirement had expired at the end of FY 21. A magnet school that does not meet the standards may still receive grants if the commissioner (1) finds that it is appropriate to award a grant for an additional year or years and (2) approves a plan to bring the school into compliance with the standards.

The act also renews until June 30, 2025, the commissioner's authority to impose a financial penalty on a magnet school that does not meet the reduced-isolation standards for two or more consecutive years. Specifically, the commissioner may impose the penalty on the school's operator or, after consulting with the operator, take other appropriate steps to help the operator comply.

The act also makes related technical changes.

§ 11 — CONNECTICUT-GROWN FOR CONNECTICUT KIDS WEEK

Requires SDE to provide technical assistance and support for schools to arrange for interactions between students and farmers, including field trips and presentations, as part of Connecticut-Grown for Connecticut Kids Week

The act modifies SDE's responsibilities regarding the Connecticut-Grown for Connecticut Kids Week. Among other things, this annual, week-long event promotes Connecticut agriculture and foods to children through school meal and classroom programs and at farms, farmers' markets, and other community locations. Prior law required SDE to arrange for interaction between students and farmers, including field trips to farms and in-school presentations by farmers. The act instead requires SDE to provide technical assistance and support for schools to do this.

§§ 12-16 — TRANSITION SERVICES AND PROGRAMS FOR STUDENTS RECEIVING SPECIAL EDUCATION SERVICES

Modifies the statutory definition of "transition service"; transfers responsibility for developing and maintaining an accessible online listing of transition resources and services from SERC to SDE's transition services coordinator; makes minor and conforming changes

Definitions (§§ 12-16)

The act modifies the statutory definition of "transition service" for purposes of planning and providing these services to special education students who are leaving, or about to leave, the kindergarten-12 education system (§ 12).

Prior law defined a transition service as a service for special education students that facilitates their transition from school to postsecondary activities such as education, training, employment, or independent living.

The act replaces this definition with the federal definition of transition services, which is more detailed and names some specific activities (e.g., supported employment). The federal definition means activities for a child with a disability that are (1) results-oriented and focused on improving the child's academic and functional achievement to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation, and (2) based on the individual child's needs, taking into account their strengths, preferences, and interests (34 C.F.R. § 300.43).

Additionally, the act makes technical and conforming changes to the definition of transition program (§§ 12-16).

Visits of Transition Programs (§ 12)

Under prior law, SDE's transition services coordinator had to perform unannounced visits of transition programs. The act removes the requirement that the visits be unannounced but allows the coordinator or SDE to make unannounced visits in addition to the required visits.

Online Transition Resources and Services Listing (§ 14)

The act transfers, from the State Education Resource Center (SERC) to SDE's transition services coordinator, responsibility for developing and maintaining an easily accessible online listing of transition resources, services, and programs.

Prior law required SERC to develop and maintain the listing in collaboration with SDE, the departments of Developmental Services, Social Services, and Aging and Disability Services, and the offices of Policy and Management and Workforce Strategy. The act transfers this responsibility to SDE's transition services coordinator and instead requires the coordinator to collaborate with the following agencies: the departments of Developmental Services, Aging and Disability Services, Children and Families, Labor, Mental Health and Addiction Services, Public Health, Social Services, and Correction, and the Office of Early Childhood (OEC). Existing law already requires these agencies to each appoint an employee to act as a liaison with the transition services coordinator.

The act also makes a corresponding change to require the collaborating agencies listed above to post a link to the online listing in an easily accessible location on their respective agency websites.

§§ 17-22 — CTECS CONFORMING CHANGES

Makes several changes to conform the law to current practice and CTECS's establishment as an independent state agency

The act makes several changes to conform the law to the Connecticut Technical Education and Career System's (CTECS's) establishment as an independent state agency. Specifically, it removes obsolete references to (1) SDE in a statute requiring CTECS to indemnify certain donors of tangible property and (2) the effective date of the 2017 legislation that established CTECS (§§ 19 & 22).

It also allows CTECS to allocate funds to allow RESCs to provide professional development services, technical assistance, special education services, and evaluation activities to technical education and career schools. Under the act, the commissioner may do this regardless of certain state procurement laws. Existing law grants similar authority to SDE (§ 20).

The act also makes changes to conform the law to current practice for CTECS. It requires, rather than allows, CTECS to offer part-time and evening programs and requires it to offer extracurricular programs in vocational, technical, technological, and postsecondary education and training. The act also requires that students admitted to a CTECS postsecondary education program without a high school diploma have completed the school year in which they turn 22 (rather than be age 21 or older) (§§ 21 & 22).

Lastly, the act makes other technical and conforming changes (§§ 17 & 18).

EFFECTIVE DATE: Upon passage, except that the SDE reference and other technical and conforming changes are effective July 1, 2024.

§ 23 — CTECS AND TRANSITION SERVICES

Explicitly requires CTECS to provide and fund transition services; requires CTECS to convene a planning and placement team meeting for home-schooled special education students before they enroll in a CTECS school

Existing law requires CTECS to, among other things, provide an appropriate educational program for each child requiring special education. The act explicitly requires CTECS to provide and fund transition services (see §§ 12-16 above) as part of this requirement.

The act also requires CTECS (rather than the local or regional board of education) to convene a planning and placement team meeting for home-schooled special education students before they enroll in a CTECS school. As under existing law, the meeting must address the student's transition to a CTECS school and ensure that his or her individualized education program reflects the current supports and services he or she requires.

§§ 24, 25 & 41 — EARLY START CT

Eliminates various early childhood care programs and provisions and makes OEC responsible for operating and administering a state-funded early care and education system to coordinate and facilitate efficient delivery of early childhood care ("Early Start CT")

Beginning in FY 26, the act eliminates various programs (see below) and replaces them with a new program ("Early

Start CT") and makes OEC responsible for operating and administering it to fund early care and education programs throughout the state and coordinate efficient delivery of the programs to eligible children.

Goals of Early Start CT

The act establishes requirements for OEC to operate Early Start CT, which are similar to the goals previously established for the development of a network of school readiness programs, which the act repeals. OEC, under the Early Start CT program, must (1) provide open access for infants and toddlers and pre-school age children to high quality early care and education programs that promote the health and safety of children and prepare them for school, and (2) prevent or minimize the potential for developmental delay in children before age five. The goals described below are similar to those previously established.

Service Coordination. Under the act, Early Start CT must encourage coordination and cooperation among early care and education programs, prevent the duplication of services, and identify the specific service needs and unique resources available to particular municipalities. The office must also improve the availability and quality of its own programs and coordination with child care providers' services. Additionally, the act requires OEC to operate Early Start CT to facilitate the racial, ethnic, and socioeconomic diversity of the children, families, and staff in early care and education programs.

Impact on Families. The act requires Early Start CT to provide opportunities for parents to choose among affordable, accredited early care and education programs (programs accredited by the National Association for the Education of Young Children, the National Association for Family Child Care, or another nationally recognized accreditation, or certified by the commissioner or received Early Head Start or Head Start federal approval).

Under the act, Early Start CT must also strengthen families through encouragement of family engagement and partnership in a child's development and education, and enhancement of a family's capacity to meet the special needs of its children, including children with disabilities. It must assure that children with disabilities are integrated into early care and education programs available to children who do not have disabilities.

Funding. The act requires Early Start CT to maximize local and federal early care and education funding to expand capacity and access, and reduce educational costs by decreasing the need for special education services for school-age children.

Repeal of Early Childhood Programs and Early Childhood-Related Provisions

On July 1, 2025, the act repeals various early childhood funding programs and various other early childhood-related provisions. These include the following:

1. state grants for (a) neighborhood projects, including child care centers, elderly centers, multipurpose human resource centers, emergency homeless shelters, and domestic violence shelters and (b) developing and operating child care centers and group and family child care homes for disadvantaged children (CGS § 8-210);
2. various school readiness provisions, including (a) OEC's Head Start and Early Head Start competitive state supplemental grant program; (b) state financial assistance and eligibility for funding school readiness programs; and (c) school readiness program requirements, including per-child cost limitations (CGS §§ 10-16n to 10-16r);
3. participation by five-year-old children in school readiness programs (CGS § 10-16t);
4. school readiness program grants in transitional school districts (CGS § 10-16u);
5. the competitive district grant account (CGS § 10-16aa);
6. early childhood teacher credentialing (CGS § 10-520b);
7. school readiness provider grants and purchase or provision of subsidies to parents for child care services (CGS § 17b-749a); and
8. licensed child care center sliding fee scales (CGS § 17b-749d).

EFFECTIVE DATE: July 1, 2025

§ 26 — EARLY START CT FINANCIAL ASSISTANCE

Allows eligible entities to enter directly into a contract with OEC to receive state financial assistance to operate early childhood care and education programs under Early Start CT; establishes eligibility requirements and allows the OEC commissioner to consider certain criteria when determining eligibility; allows OEC to allocate a certain amount of funding for coordination, program evaluation, and administration

Eligibility Requirements

Under Early Start CT, the act allows the following entities to enter into a contract with OEC to receive state financial assistance (i.e., grants): municipalities, local and regional boards of education, RESCs, family resource centers, Head Start programs, preschool programs, nonprofit organizations, child care centers, group or family child care homes, and any other program that meets the OEC commissioner's standards. The assistance is for operating early care and education programs that focus on providing services based on economic, social, or environmental conditions, including in regions with insufficient access to child care.

To receive this financial assistance, the act requires a (1) child care center or group or family child care home to be licensed by the OEC commissioner, and (2) local or regional board of education or RESC preschool program to be approved by SDE. Under the act, at least 60% of eligible children enrolled in an early care and education program receiving financial assistance under Early Start CT must be members of a family that is at or below 75% of the state median income.

The act requires the commissioner to ensure that the majority of early care and education programs receiving financial assistance serve children that reside in, or attend early care and education programs in, priority school districts, former priority school districts, or towns with schools deemed severe need schools because 40% or more of lunches are served to students eligible for free or reduced priced lunches.

The act allows the OEC commissioner, when determining whether to enter into a contract for financial assistance, to consider (1) a community's Care 4 Kids participation and (2) the Centers for Disease Control and Prevention's social vulnerability index as the census tract determines.

The act requires any contract for financial assistance to be made contingent upon available funding and a successful application submitted to OEC that has been informed by the appropriate local governance partner's needs assessment and community plan (see § 27).

The act exempts from the request for proposal requirement any Early Start CT facility that has (1) been approved to operate an early care or education program financed through the Connecticut Health and Education Facilities Authority and (2) received a commitment for debt services from the Department of Social Services on or before June 30, 2014, or from OEC on or after July 1, 2014.

Funding for Program Administration and Operation

Under the act, OEC may allocate the lesser of $150,000 or up to 10% of the total financial assistance under the contract with each local or regional governance partner for coordination, program evaluation, and administration. The act requires the allocated amount to be increased by the lesser of up to $50,000 or the amount of local funding provided for early childhood education coordination, program evaluation, and administration. The act requires each partner to designate a staff person for coordination, evaluation, and administration, and to serve as liaison to the OEC commissioner.

The act also prohibits funds received from being used to supplant federal, state, or local funding received for early childhood education on behalf of children in an early childhood education program.

The act allows OEC to use up to 3% of funds allocated to the early care and education appropriation to evaluate program effectiveness and impact on participating children, families, and programs, including (1) child outcomes, (2) later school performance, (3) quality standards, (4) professional development and preparation, and (5) parent engagement impact.

Payments

The act allows OEC to pay, in an individual contract for FY 26, a per-child rate or an amount per-classroom that the commissioner determines.

Under the act, OEC must pay, for each eligible child enrolled in an Early Start CT program, a per-child rate of at least:

1. $10,500 for each child ages three or four, or age five and not eligible to enroll in school; or
2. $13,500 for each child under age three who is in toddler or infant care and not in a preschool program.

The act requires the commissioner to determine an amount per classroom, at equivalent rates per child multiplied by the classroom's total capacity on a case-by-case basis and established in the contract.

For purposes of these payment provisions, the act requires OEC to (1) develop policies and procedures governing classroom sizes, payments, and required enrollment rates and (2) use data-driven, outcomes-based contract provisions to facilitate and incentivize full enrollment.

Anti-discrimination

The act prohibits any Early Start CT care and education program that receives financial assistance from discriminating based on ancestry; race; color; national origin; sex; gender identity or expression; sexual orientation; religion; learning, physical, intellectual, or mental disability; or any other protected class.
EFFECTIVE DATE: July 1, 2025

§§ 27 & 41 — LOCAL OR REGIONAL GOVERNANCE PARTNERS

Replaces school readiness councils with local or regional governance partners to assist in a community receiving Early Start CT funds; requires the membership of each local governance partner to reflect the racial, ethnic, and socioeconomic composition of the town or region it serves and to consist of early care and education stakeholders

The act eliminates local or regional school readiness councils, which were required to, among other things, (1) make recommendations on school readiness issues, including certain grants; (2) foster partnerships; (3) work with OEC; and (4) identify resources and services, and facilitate coordination of the latter, for children and families. The act instead establishes local or regional governance partners, within available appropriations, to help provide early care and education in a community under Early Start CT.

The act allows (1) a town or school district, and appropriate representatives of groups or entities interested in early care and education in the town or district, to establish a local governance partner, and (2) two or more towns or districts, and appropriate representatives of groups or entities interested in early childhood education in a region, to establish a regional governance partner. It requires OEC to monitor each local or regional governance partner for compliance with the act's provisions.

Membership

The act requires the membership of each local or regional governance partner to reflect the racial, ethnic, and socioeconomic composition of the town or region it serves. Membership must consist of early care and education stakeholders, including the following:

1. elected and appointed officials;
2. parents;
3. representatives with expertise in early care and education;
4. a Smart Start representative, where applicable;
5. local education and healthcare providers in the community;
6. a local homeless education liaison;
7. community representatives from workforce or job training entities; and
8. other community representatives who provide services to children.

Role and Responsibilities

Under the act, a local or regional governance partner must do the following:

1. conduct and administer a data-driven needs assessment for its respective community or region (see below),
2. employ strategies to solicit parental engagement and membership,
3. provide periodic technical assistance on best practices in early care and education and family engagement for its town or region,
4. jointly sponsor professional development opportunities with OEC, and
5. ensure that community outreach is regularly conducted and maintained with community stakeholders.

Data-Driven Needs Assessment

The act requires each local or regional governance partner, within available appropriations, to conduct a data-driven needs assessment for the town or region it serves, which may include (1) recommendations for the preferred distribution

and allocation of child care spaces in the town or region and (2) subject to OEC's approval, a data-driven methodology to reassign child care spaces during the term of a contract with OEC.

Under the act, OEC must create the needs assessment in collaboration with communities. The assessment must directly inform, among other things, child care space assignment across a mixed delivery system, including licensed family child care providers, group child care homes, child care centers, and license-exempt public schools.

Staff Liaison

The act requires each local or regional governance partner to hire a staff liaison to aid and support the partner and ensure collaboration with OEC related to planning improvements to the state early care and education governance structure. The staff liaison must also ensure that:

1. partnerships are established and fostered among child care providers,
2. cooperation is maintained with OEC in monitoring and evaluating child care and education programs,
3. existing and potential resources and services available to children and families are identified,
4. recommendations are made to school officials about transition from child care programs to preschool programs and kindergarten,
5. effective community engagement strategies are used to ensure diverse participation, and
6. OEC-approved biannual child assessments are performed at programs and done in partnership with families.

The staff liaison must also ensure (1) an information exchange with other community organizations serving children's and families' needs and (2) facilitation and coordination of efficient, data-driven delivery of services to children and families, including referral procedures and before and after school child care for children attending school day and school year programs.

EFFECTIVE DATE: July 1, 2025

§ 28 — SLIDING FEE SCALE

Requires OEC to establish a sliding fee scale for families enrolled in Early Start CT

The act requires OEC to establish a sliding fee scale for families enrolled in an early care and education program under Early Start CT. The fee scale must be based on family income and consistent with the existing Care 4 Kids sliding fee scale.

EFFECTIVE DATE: July 1, 2025

§ 29 — UNEXPENDED EARLY START CT FUNDS

Allows up to $2 million in unexpended Early Start CT funds, beginning FY 25, to be used (1) to provide professional development for early care and education program providers, (2) to support early care and education programs in satisfying designated qualified staff requirements, or (3) for certain other purposes with the Office of Policy and Management's consent

The act allows up to $2 million in unexpended Early Start CT funds for FY 25 and each fiscal year after to be available for:

1. providing professional development for early care and education program providers, and staff employed in these programs, as long as these programs receive financial assistance under Early Start CT for infant, toddler, and preschool slots; or
2. supporting early care and education programs in satisfying the designated qualified staff requirements of the act (see § 31), as long as these programs receive financial assistance under Early Start CT.

The act requires the OEC commissioner to determine how the unexpended funds are distributed.

Under the act, with the consent of the Office of Policy and Management secretary, any unexpended funds that OEC does not distribute may be used for the following:

1. assisting early care and education programs in meeting and maintaining accreditation requirements;
2. providing training in implementing preschool assessments and curricula, including training to enhance literacy teaching skills;
3. developing and implementing best practices for parents in supporting preschool and kindergarten student learning;
4. developing and implementing strategies for children to successfully transition to preschool and from preschool to kindergarten, including through parental engagement and whole-family supports that may be used through the two-generational initiative or other available resources; and
5. providing professional development.

Many of these designated uses of unexpended funds are similar to provisions that, prior to their repeal by the act, were applicable to unexpended funds under the grant program to provide spaces in accredited school readiness programs in current or former priority school districts (see § 41).

EFFECTIVE DATE: July 1, 2025

§ 30 — EARLY CARE AND EDUCATION PROGRAM ACCREDITATION REQUIREMENTS

Generally requires any early care and education program receiving financial assistance under Early Start CT to be accredited or approved within three years of entering into an OEC contract

The act requires any program participating in Early Start CT to be accredited within three years of entering a contract with OEC. Under the act, any program not accredited must have an approved program plan within 12 months of entering into a contract with OEC. The office previously required accreditation only for sites they directly funded.

EFFECTIVE DATE: July 1, 2025

§§ 31 & 41 — EARLY CHILDHOOD EDUCATION PROGRAM STAFF REQUIREMENTS

Replaces staff qualification requirements and sets a schedule by which OEC-funded early childhood education program *designated staff members must be designated qualified staff members meeting one of the criteria at the bachelor's degree level*

OEC-Funded Early Childhood Education Program Staffing Requirements

Prior law required state-funded early childhood education program staff members to meet increasingly advanced levels of educational attainment, which were phased in over several years from July 1, 2022, to July 1, 2029. Prior law set separate requirements for primary classroom teachers and remaining classroom teachers over four phases, each with its own set of minimum qualifications.

The act eliminates the following minimum staff qualification requirements for child care or school readiness programs that received state funds for spaces:

Staff Qualification Requirements Repealed by the Act

Date	Qualifications Repealed by the Act
Through June 30, 2025	At least 50% of staff with primary responsibility for a classroom must have at least one of the following: • Teacher certificate with early childhood education or special education endorsement • OEC early childhood teacher credential • Associate degree with early childhood education concentration from regionally accredited institution • Bachelor's or associate degree with certain credits under certain conditions Remaining staff with primary responsibility for a classroom must have childhood development associate credential or equivalent from OEC-approved organization and at least 12 approved credits in early childhood education or child development
July 1, 2025, to June 30, 2029	At least 50% of staff with primary responsibility for a classroom must have one of the following: • Teacher certificate with early childhood education or special education endorsement • OEC early childhood teacher credential

Date	Qualifications Repealed by the Act
	• Bachelor's degree with early childhood education concentration from regionally accredited institution • Bachelor's or associate degree with certain credits under certain conditions Remaining staff with primary responsibility for a classroom must have: • Associate degree with concentration in early childhood education from regionally accredited institution or • OEC early childhood teaching credential
After June 30, 2029	All staff with primary responsibility for a classroom must have one of the following: • Teacher certificate with early childhood education or special education endorsement • OEC early childhood teacher credential • Bachelor's degree with early childhood education concentration from regionally accredited institution • Bachelor's or associate degree with certain credits under certain conditions

The act replaces these staff qualification requirements with new requirements for primary classroom teachers at OEC-funded early childhood education programs that phase in from July 1, 2025, to July 1, 2030, and outlines the degrees or credentials required for these teachers to qualify as "designated qualified staff members."

Designated Qualified Staff Members

A "designated qualified staff member" is an assigned staff member (i.e., the person assigned the primary responsibility for a classroom of children in an OEC-funded early care and education program) with at least one of the following:

1. a bachelor's degree or higher with a concentration in early childhood education from a regionally accredited higher education institution;
2. a teaching certificate issued by the State Board of Education with an endorsement in early childhood education or early childhood special education;
3. at least 12 early childhood credits from a regionally accredited higher education institution and deemed to meet the bachelor's degree requirements without a concentration in early childhood education by OEC;
4. a bachelor's degree from a regionally accredited higher education institution without a concentration in early childhood education, but with at least 12 applicable early childhood credits OEC determines; or
5. permission from OEC if the designated staff member is enrolled in a higher education institution and engaged and making progress in an early childhood planned program of study leading to an early childhood bachelor's degree.

Under the act, 25% of staff members with primary responsibility for a classroom at each OEC-funded early care and education program must be designated qualified staff members meeting one of the criteria at the bachelor's degree level. It appears that this requirement increases to (1) 50% from July 1, 2027, to June 30, 2030; and (2) 60% on and after July 1, 2030.

If the OEC-funded early care and education program is a family child care home, the designated qualified staff member for the home must have achieved, or be working toward, an early childhood associate or bachelor's degree.

Under the act, these requirements apply to programs that accept state funds directly from OEC or indirectly through OEC subcontractors, for any combination of infant, toddler, preschool, and before and after school care programs, but does not include Care 4 Kids subsidies.

Staff Member Supervision

The act allows a bachelor's degree-designated qualified staff member to supervise an associate degree-designated qualified staff member at an off-site location. Under the act, the associate degree-designated qualified staff member must have at least one of the following:

1. an associate degree or higher with a concentration in early childhood education from a regionally accredited higher education institution;
2. at least 12 early childhood credits from a regionally accredited higher education institution and be deemed to meet the associate degree requirements without a concentration in early childhood education by OEC;
3. an associate degree from a regionally accredited higher education institution without a concentration in early childhood education, but with at least 12 applicable early childhood credits OEC determines; or
4. permission from OEC if the associate degree-designated staff member is enrolled in a higher education institution and engaged in an early childhood planned program of study leading to an early childhood associate degree.

Staff Member Designation

Under the act, when a bachelor's degree-designated qualified staff member is not assigned, an associate degree-designated qualified staff member with the qualifications described above may be deemed a designated qualified staff member if the person is under the supervision of an on-site bachelor's degree-designated qualified staff member. The act excludes from this provision family child care home providers that accept state funds. These providers must meet the designated qualified staff member qualifications.

OEC Early Childhood Teacher Credential

The act eliminates authority for OEC to issue early childhood teacher credentials to individuals with an associate or bachelor's degree with concentration in early childhood education from approved programs.
EFFECTIVE DATE: July 1, 2025

§§ 32 & 41 — CONTRACT-BASED PROGRAM FOR FEDERAL HEAD START AND EARLY HEAD START GRANTEES

Replaces OEC's competitive grant program with a contract-based program for federal Head Start and Early Head Start grantees

The act replaces OEC's competitive state supplemental Head Start grant program for federal Head Start and Early Head Start grantees with the contract-based Early Start CT. The new program is substantially similar to the repealed program but does not include certain provisions such as the requirement for a committee to advise the OEC commissioner on use of funds for Head Start and Early Head Start. Under the act, nonprofit agencies or boards of education seeking contracts may apply to the new program on forms and at times the commissioner prescribes.
EFFECTIVE DATE: July 1, 2025

§ 33 — OEC REGULATIONS, POLICIES, AND PROCEDURES

Requires OEC to implement policies and procedures needed to implement Early Start CT and other requirements under the act while adopting regulations

The act requires the OEC commissioner to implement policies and procedures needed to (1) administer the Early Start CT provisions of the act, (2) implement infant and toddler and school-age ratios and group size requirements, and (3) implement head teacher staffing requirements for programs that serve only school-age children. The commissioner may implement these policies and procedures while in the process of adopting them as regulations.

Under the act, any existing regulations on (1) infant and toddler and school-age ratios; (2) group size requirements; and (3) head teacher staffing requirements for programs serving only school-age children, generally applicable to child care centers and group child care homes, remain in effect until they are replaced by OEC's policies and procedures.

The act requires the OEC commissioner to post notice of her intent to adopt regulations on OEC's website and the eRegulations system within 20 days after she implements any policies or procedures, which are valid until final regulations are adopted.
EFFECTIVE DATE: Upon passage

§ 34 — ALLOCATION OF FUNDS TO RESCS

Allows the OEC commissioner to allocate funds to (1) RESCs to provide professional development services, technical assistance and evaluation, and program planning and implementation activities, and (2) other entities, including boards of education

The act authorizes the OEC commissioner, within available appropriations, to allocate funds to RESCs to provide professional development services, technical assistance and evaluation, and program planning and implementation activities; local and regional boards of education; child care centers; group and family child care homes; and other early childhood care and education entities, as she determines.

Under the act, any funds the commissioner allocates must be spent according to procedures and conditions she sets.

§§ 35-38 & 41 — FY 25 CONTRACT AND GRANT AMOUNTS FOR SPECIFIED EARLY CHILDHOOD PROGRAMS

Adjusts contract or grant amounts for FY 25 for certain early childhood programs that are repealed and replaced by the Early Start CT program on July 1, 2025

For FY 25 alone, the act creates a one-year transition funding method for the programs that are replaced by Early Start CT beginning in FY 26. It requires the OEC commissioner to pay a contract or grant using the same per-child or classroom rates that apply to the new Early Start CT financial assistance program created by the act (see § 26), for the following programs for FY 25:

1. contracts that provide state supplemental 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 (previously these contracts were paid for a portion of the cost of the program or on a specified per-child rate);
2. grants for spaces in accredited school readiness programs in current or former priority school districts, which could include contracts with certain entities;
3. competitive grants for spaces in school readiness programs that are accredited or seeking accreditation in certain towns, which could include contracts with certain entities (previously grants were based on specified per-child costs); and
4. competitive grant programs for nonprofit agencies and local and regional boards of education that are Head Start grantees to expand programs and enhance their quality (previously grants were in a set amount plus an amount per child under the temporary family assistance program, but subject to an overall cap on the grant program).

For purposes of these payment provisions, the act requires OEC to (1) develop policies and procedures governing classroom sizes, payments, and required enrollment rates, and (2) use data-driven, outcomes-based contract provisions to facilitate and incentivize full enrollment.

The act eliminates the FY 25 cap on the per-child cost (i.e., $10,500) of OEC's school readiness programs, and instead, for FY 25, applies the above grant amount requirements to school readiness programs. This cap is also repealed beginning with FY 26 and replaced with Early Start CT.

EFFECTIVE DATE: July 1, 2024, except the repeal of the programs is effective July 1, 2025.

§ 39 — FAMILY CHILD CARE HOME LICENSE EXPANSION

Allows the OEC commissioner to issue licenses for up to 20 family child care home facilities anywhere in the state; adjusts the expiration date for all of the licenses the OEC commissioner issued under the family child care home license expansion

Prior law allowed the OEC commissioner to issue family child care home licenses from FY 22 to FY 26 for one facility in seven specified municipalities to a person or group of people, in a partnership with an association, organization, corporation, institution, or public or private agency, to provide child care services in a commissioner-approved space outside of a family home. The act instead allows the commissioner to issue licenses for up to 20 facilities anywhere in the state. The act eliminates the license expiration date of June 30, 2026, and requires the licenses to be issued for four-year terms.

§ 40 — SMART START COMPETITIVE GRANT PROGRAM

Removes the cap on annual operating expense grants under the Connecticut Smart Start Program

Beginning FY 25, the act no longer prohibits a town from receiving more than $300,000 in annual operating expense grants under the Connecticut Smart Start Competitive Grant Program, which provides grants for capital and operating expenses for local and regional boards of education to establish or expand preschool programs.

PA 24-93—SB 154
Education Committee

AN ACT CONCERNING VARIOUS AND ASSORTED REVISIONS TO THE EDUCATION STATUTES

TABLE OF CONTENTS:

§ 14 — SPECIAL EDUCATION TASK FORCE

Adds a representative of the Connecticut Council of Administrators of Special Education to the task force; makes this appointee the task force's third chairperson

§ 15 — ORIENTATION FOR SCHOOL NURSES

Requires that professional development programs or activities for new school nurses or nurse practitioners include an orientation to school health services

§ 16 — DEADLINE FOR SUBMITTING AUDIT DATA REVISIONS TO SDE

Delays, from December 31 to January 31, the deadline for (1) school boards to submit to SDE revisions to their returns of receipts, expenditures, and statistics and (2) an independent public accountant to certify the returns; makes corresponding changes to SDE reporting requirements

§ 17 — EXCESS COST GRANT CALCULATIONS

Requires that excess cost grant calculations for school boards include all expenditures incurred by the board under a contract with a private provider of special education services during the school year in which the services are provided

§ 18 — SCHOOL PLAYGROUND DESIGN

Requires school boards to conform the design of any school playground designed on or after July 1, 2025, to the principles of universal design

§ 19 — READING LEADERSHIP IMPLEMENTATION COUNCIL

Requires that members' initial terms expire on June 30, 2024, and that subsequent appointments be made by July 1, 2024

SUMMARY: This act makes numerous, unrelated changes to education law. A section-by-section analysis follows.
EFFECTIVE DATE: Various; see below.

§§ 1 & 20 — PUBLIC SCHOOL ASSESSMENT AUDIT

Requires SDE to conduct an audit of public school student assessments and report on the audit to the Education Committee by January 31, 2026; repeals a similar provision in existing law

The act requires the State Department of Education (SDE) to conduct a comprehensive audit of the assessments (i.e., tests) public school students must take. The audit must be done in consultation with national assessment experts and local and regional boards of education ("school boards").

As part of the audit, SDE must:

1. issue guidance to school boards to conduct an inventory of student assessments administered at the classroom, school, and school district levels;
2. develop a teacher professional learning program for assessment literacy; and
3. evaluate the assessments inventoried with the goals of (a) eliminating redundant assessments, (b) discouraging classroom activities that focus only on test preparation, (c) reducing testing time, and (d) maximizing assessments that provide actionable information for classroom teachers.

By January 31, 2026, SDE must submit a report on the audit and related activities and any legislative proposals addressing the audit's goals to the Education Committee.

The act also repeals a requirement that the education commissioner, by January 1, 2025, audit state and local testing requirements and administration and submit a report to the Appropriations and Education committees by that date.
EFFECTIVE DATE: July 1, 2024

§ 2 — OPEN CHOICE GRANT

Requires each Open Choice Program receiving school district to include its projected Open Choice grant amount in the board's annual budget and projected revenue statement

Beginning with FY 25, the act requires each school board that receives students under the Open Choice Program to include the amount of the Open Choice grant the board expects to receive in its annual budget and projected revenue statement.

The Open Choice program is an interdistrict enrollment program that allows students in urban centers to attend school in suburban districts and vice versa. Receiving school districts get a per-student state grant that ranges from $3,000 to $8,000 per student depending on the number of Open Choice students the district receives as a percentage of its total enrollment.

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.

EFFECTIVE DATE: July 1, 2024

§§ 3-5 — RACIAL IMBALANCE LAW

Suspends enforcement of the state's school racial imbalance law until July 1, 2025

The racial imbalance law requires the State Board of Education (SBE), when it finds a racial imbalance at a public school, to give written notification to the school's board of education. This in turn requires the notified school board to prepare a plan to correct the imbalance and submit it to SBE for approval.

The act prevents SBE from notifying a school board of a racial imbalance at one of its schools until July 1, 2025. Additionally, until July 1, 2025, it removes the requirement that a board notified of an imbalance prepare and file a correction plan, and it prevents the SBE from taking any action on any plan received on or after July 1, 2024, until July 1, 2025.

By law a "racial imbalance" is a proportion of minority students enrolled in all grades in a public school that substantially exceeds, or substantially falls short of, the proportion of minority students in the same grades in all the district's public schools (CGS § 10-226b) (see BACKGROUND).

EFFECTIVE DATE: July 1, 2024

§ 6 — EPINEPHRINE TRAINING

Requires certain paraprofessionals and qualified school employees to annually complete training in emergency epinephrine administration

By law, a school paraprofessional assigned to a specific student with a diagnosed allergy can be approved to administer emergency epinephrine in cartridge injectors ("epipens") to the student with approval of the school nurse and the school medical advisor along with written parental approval and an order from a medical professional. The act requires these paraprofessionals and any qualified school employee authorized to administer epinephrine to annually complete training in emergency epinephrine administration and related first aid that SDE is already required to provide. (Existing law already requires this training for qualified school employees before they can administer emergency epinephrine to students who do not have a known allergic condition.)

The act also changes the term "school paraprofessional" to "paraeducator." (PA 24-41 makes this same change throughout numerous education statutes.)

By law, a "qualified school employee" means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach, or school paraprofessional. (PA 24-41 changes this reference to "school paraprofessional" to "paraeducator.")

EFFECTIVE DATE: July 1, 2024

§ 7 — PROHIBITS REQUIRING A PARENT TO PARTICIPATE IN SCHOOL ACTIVITIES AS A CONDITION OF THE STUDENT'S ENROLLMENT

Prohibits school boards from requiring parent participation at school as a condition of student enrollment

The act prohibits a local or regional board of education from requiring a student's parent or guardian to participate in school activities, such as volunteering, as a condition for the student to enroll in one of the board's schools. Prior law did not authorize such a requirement and the state constitution requires the state to provide free public school education (see BACKGROUND).
EFFECTIVE DATE: July 1, 2024

§ 8 — PARTNERSHIPS BETWEEN HIGH SCHOOLS AND COMMUNITY-TECHNICAL COLLEGES

Requires regional community-technical colleges to establish collaborative counseling partnerships with school districts for careers, curricula alignment and evaluation, and student outcome support

The act requires each regional community-technical college to consult with the public high school counselors and administrators within the college's region to establish collaborative partnerships between the schools and the college. The partnerships may include collaborative counseling programs for (1) students interested in specific careers, (2) evaluation and alignment of curricula, and (3) offering support or programs to improve student outcomes.
EFFECTIVE DATE: July 1, 2024

§ 9 — EXEMPT CHILD CARE PROVIDERS AND EMERGENCY EPINEPHRINE ADMINISTRATION

Allows child care providers that are exempt from licensing to administer epinephrine for emergency first aid to a child with an allergic reaction who does not have a prior written parent approval

By law, Office of Early Childhood (OEC)-licensed child care providers are authorized to administer epinephrine for emergency first aid to a child in their care who experiences an allergic reaction and does not have a prior written parent or guardian authorization or prior written qualified medical professional order for the provider to administer epinephrine. The act broadens this authorization to include child care providers that are exempt from licensing. Under the law and the act, the person administering epinephrine must be trained according to statutory requirements.

By law, the child care service providers exempt from OEC licensure include public school systems, municipalities, nationally chartered boys' and girls' clubs for school-age children, and a number of other organizations and informal arrangements specified in statute.
EFFECTIVE DATE: July 1, 2024

§ 10 — ECS GRANT ESTIMATES FOR TOWNS

Requires, by December 31 of each year, SDE to provide all towns with their ECS grant amount estimate for the following fiscal year

The act requires SDE, by December 31 each year, to (1) calculate the estimated education cost sharing (ECS) grant each town is entitled to receive for the next fiscal year using data collected during the current fiscal year and (2) notify them of that amount.
EFFECTIVE DATE: Upon passage

§ 11 — PARENTAL NOTIFICATION OF STUDENT BEHAVIOR CAUSING DISRUPTION OR HARM AND BEHAVIOR INTERVENTION MEETING

Creates two new parental notifications related to student behavior

The act creates two new parental notifications related to student behavior.

The act requires a school principal or other administrator to notify a parent or guardian of a student whose behavior has caused (1) a serious disruption to school instruction; (2) self-harm; or (3) physical harm to another student, a teacher, or other school employee. The notice must be given within 24 hours of the behavior and inform the parent or guardian that

the teacher in the classroom where it occurred may request a behavior intervention meeting with the school's crisis intervention team as permitted by law.

In these cases, existing law allows a teacher to request a behavioral intervention meeting with a crisis intervention team that includes certain school employees designated by the principal. The act requires the crisis intervention team, after receiving the teacher's request, to notify the student's parents or guardians of the teacher's request before holding the meeting.

The act requires the crisis intervention team to submit a summary of the meeting, including any resources and supports identified, to the student's parents or guardians within seven days after the meeting. By law, the meeting participants must identify resources and supports to address the student's social, emotional, and instructional needs.

EFFECTIVE DATE: July 1, 2024

§ 12 — EXPULSION HEARING NOTICE

Requires that the five-day notice period for an expulsion hearing not include the day of the hearing

By law, a student cannot be expelled without a hearing unless an emergency exists and notice of the hearing must be given to the student's parents or guardian at least five business days before it takes place. The act specifies that the five days must not include the day of the hearing.

EFFECTIVE DATE: July 1, 2024

§ 13 — CIVICS AND MEDIA LITERACY TASK FORCE

Adds two student members to the task force, one from a Connecticut high school and one from a Connecticut higher education institution

PA 23-150, § 6, established the Connecticut Civics Education, Civics Engagement and Media Literacy Task Force to study and develop strategies to improve and promote civic engagement (i.e., participation in improving a community's quality of life and developing the knowledge and skills to enable this participation), media literacy instruction, and related matters.

The act increases the task force's membership from 18 to 20 by adding the following two student members:

1. a student at a higher education institution in Connecticut, appointed jointly by the Education Committee's House chairperson and ranking member, and
2. a student at a high school in Connecticut, appointed jointly by the Education Committee's Senate chairperson and ranking member.

Under existing law, the task force must submit a report on its findings and recommendations to the Education Committee by January 1, 2025.

EFFECTIVE DATE: Upon passage

§ 14 — SPECIAL EDUCATION TASK FORCE

Adds a representative of the Connecticut Council of Administrators of Special Education to the task force; makes this appointee the task force's third chairperson

Existing law establishes a task force to study the provision and funding of special education during the 2016-17 through 2020-21 school years. The act increases the task force's size from 23 members to 24 by adding a representative of the Connecticut Council of Administrators of Special Education, designated by the council. It also makes this representative the task force's third chairperson. (Under existing law, the House speaker and Senate president pro tempore select cochairpersons.)

Under existing law, the task force must submit its final report to the Education Committee by January 1, 2025.

EFFECTIVE DATE: Upon passage

§ 15 — ORIENTATION FOR SCHOOL NURSES

Requires that professional development programs or activities for new school nurses or nurse practitioners include an orientation to school health services

Beginning with the 2024-25 school year, existing law requires school boards to annually approve and provide professional development programs or activities for each school nurse or nurse practitioner appointed by, or under contract with, the board. The act requires that the programs or activities include an orientation to school health services for new school nurses or nurse practitioners. The orientation must be (1) developed by an association representing school nurses in the state and (2) completed within six months after the nurse or nurse practitioner is appointed by, or enters a contract with, the board.

EFFECTIVE DATE: July 1, 2024

§ 16 — DEADLINE FOR SUBMITTING AUDIT DATA REVISIONS TO SDE

Delays, from December 31 to January 31, the deadline for (1) school boards to submit to SDE revisions to their returns of receipts, expenditures, and statistics and (2) an independent public accountant to certify the returns; makes corresponding changes to SDE reporting requirements

By law, school superintendents must report returns of the school district's receipts, expenditures, and statistics to the education commissioner by September 1 of each year. The act delays, from December 31 to January 31, the deadline for (1) school boards to submit to SDE revisions to their returns of receipts, expenditures, and statistics and (2) an independent public accountant to certify the returns.

It correspondingly delays, from February 15 to March 15, the deadline for SDE to annually publish on its website the data in the reports and returns (1) by education program type, expense function, expense object, and funding source and (2) in a format that allows financial comparisons between school districts and schools.

EFFECTIVE DATE: July 1, 2024

§ 17 — EXCESS COST GRANT CALCULATIONS

Requires that excess cost grant calculations for school boards include all expenditures incurred by the board under a contract with a private provider of special education services during the school year in which the services are provided

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

The act requires that excess cost grant calculations for school boards include all expenditures incurred by the board under a contract with a private provider of special education services, private school, agency, or institution during the school year in which the services are provided. The requirement applies even if the private provider, private school, agency, or institution is approved by SDE during the school year in which a board of education is seeking reimbursement for the incurred expenditures (i.e., these expenses must be included in the calculation even if the approval occurs later in the school year, after the services were delivered.)

EFFECTIVE DATE: July 1, 2024

§ 18 — SCHOOL PLAYGROUND DESIGN

Requires school boards to conform the design of any school playground designed on or after July 1, 2025, to the principles of universal design

The act requires school boards to conform the design of any school playground designed on or after July 1, 2025, to the principles of universal design. The playgrounds must at least include the following:

1. play spaces that appeal to a variety of senses and allow multiple forms of play,
2. landform designed to encourage unstructured play,
3. multiple options for accessing play spaces and equipment that allow for varying levels of ability, and
4. sensory-engaging materials and use of trees and other plantings.

Under the act, "universal design" is a concept of designing spaces with the goal of maximizing usability and access without needing adaptation or specialized design.
EFFECTIVE DATE: July 1, 2024

§ 19 — READING LEADERSHIP IMPLEMENTATION COUNCIL

Requires that members' initial terms expire on June 30, 2024, and that subsequent appointments be made by July 1, 2024

The act requires that the Reading Leadership Implementation Council members' initial terms expire on June 30, 2024, and that subsequent appointments be made by July 1, 2024. Under the act, the newly appointed members serve two-year terms, and members may serve consecutive terms.

By law, the council must develop and publish annual goals for the Center for Literacy Research and Reading Success, which is within SDE. The council consists of 13 members: six legislative appointees, four executive branch appointees, and three ex-officio members.
EFFECTIVE DATE: Upon passage

BACKGROUND

Racial Imbalance Defined

State regulations define "racially imbalanced" as any school in which the percentage of minority students enrolled falls outside the range of 25 percentage points more or less than the district-wide percentage (Conn. Agencies Regs., § 10-226e-3(b)). For example, in a school district that has an overall minority enrollment of 50%, any individual school that has less than 25% or more than 75% minority enrollment in comparable grades across the district would be considered racially imbalanced.

PA 24-31—HB 5232
Energy and Technology Committee

AN ACT CONCERNING SOLAR PROJECTS THROUGHOUT THE STATE

TABLE OF CONTENTS:

SUMMARY: This act makes various changes in laws related to renewable energy facilities, such as renewable energy tariffs, Green Bank programs, solar canopies, and study requirements, as described in the section-by-section analysis below. EFFECTIVE DATE: Various; see below.

§ 1 — UNIFORM CAPACITY TAX STUDY

Requires DEEP to study the feasibility and potential cost impacts of establishing a uniform capacity tax for solar facilities and report to the Energy and Technology Committee by January 1, 2025

The act requires the Department of Energy and Environmental Protection (DEEP) commissioner, in consultation with the Office of Policy and Management, to study the feasibility and potential cost-related impacts of establishing a uniform capacity tax for solar facilities in the state. The study must:

1. examine the current statutory framework for personal and real property taxes on solar facilities;
2. examine the history of municipal taxation of solar facilities;
3. examine the costs of solar facility installation projects and a uniform capacity tax's potential impact, accounting for other cost factors for these projects;
4. analyze what, if any, tax amount per megawatt (MW) of capacity would fairly compensate municipalities without making projects unviable; and
5. recommend any legislative changes.

The act requires DEEP to report its findings and recommendations on establishing a uniform capacity tax to the Energy and Technology Committee by January 1, 2025.

EFFECTIVE DATE: Upon passage

§ 2 — RENEWABLE ENERGY TARIFF STUDY

Requires PURA to study renewable energy tariffs and potential successor programs and report its findings to the Energy and Technology Committee by January 15, 2026

The act requires the Public Utilities Regulatory Authority (PURA) chairperson to study existing renewable energy tariff programs and examine whether to extend them beyond their current authorized timeframe. She must also examine potential processes to avoid stranded projects and potential successor programs, including (1) potential programs without MW caps; (2) different possible criteria and procedures to choose projects (e.g., lottery or first-come, first-served basis); and (3) alternative bidding frameworks (e.g., awarding solicitations based on soonest deployment).

The act requires the PURA chairperson to report her findings and any recommendations to the Energy and Technology Committee by January 15, 2026.

EFFECTIVE DATE: Upon passage

§ 3 — SOLAR CANOPIES

Requires municipalities to establish simplified processes for solar canopy approvals and act on land use applications for them within six months (PA 24-151 amends this provision to allow, rather than require, municipalities to take these actions)

The act requires municipal planning commissions, zoning commissions, or combined planning and zoning commissions to amend their zoning regulations to establish a simplified approval process for solar canopy applications. The act requires these commissions to approve or deny land use applications to build solar canopies within six months after their filing dates. The act applies these requirements regardless of any conflicting municipal charter provisions or ordinances. (PA 24-151, § 113, amends these provisions to allow, rather than require, municipalities to take these actions.)

Under the act, a solar canopy is an outdoor, shade-providing structure that hosts solar panels located above a parking or driving area, pedestrian walkway, courtyard, canal, or other used surface that is installed in a way that maintains the function of the area underneath the structure. Solar canopies include carports.

EFFECTIVE DATE: July 1, 2024

§ 4 — GREEN BANK C-PACE PROJECT REQUIREMENTS

Exempts renewable energy system expansions or upgrades from the Green Bank's standards on project costs and savings for C-PACE projects

The Green Bank's Commercial Property Assessed Clean Energy Program (C-PACE) provides loans for certain energy improvement projects, with repayments through an assessment on the property, backed by a lien. Prior law required the

Green Bank to adopt standards for C-PACE to determine whether the project's combined projected energy cost savings and other associated savings over its useful life exceeded its costs, but exempted certain types of projects from these standards (specifically, zero-emission vehicle refueling infrastructure and resilience improvement projects). The act additionally exempts from these standards projects that expand or upgrade an existing renewable energy system.
EFFECTIVE DATE: October 1, 2024

§ 5 — IRP PROVISION ADDRESSING SOLAR SITING

Requires DEEP to include information on solar siting in the next IRP in a format that can be overlayed on existing grid interconnection maps

Existing law requires DEEP to develop the Integrated Resources Plan (IRP) every two years in consultation with electric distribution companies (EDCs, i.e., Eversource and United Illuminating) to review and plan for the state's energy needs (CGS § 16a-3a). The act requires the DEEP commissioner, as part of the IRP, to submit information on the potential siting of solar projects in the state. The commissioner must consult with the agriculture and economic and community development commissioners and submit the information to the Energy and Technology Committee (1) by one year after the act's passage (i.e., May 21, 2025) and (2) in a format that can be overlayed onto the EDCs' existing grid interconnection maps.
EFFECTIVE DATE: Upon passage

§ 6 — RENEWABLE ENERGY TARIFFS

Allows PURA to exceed NRES and SCEF caps, as long as aggregate dollar amounts for selected projects do not exceed amounts for projects selected in 2024; extends SCEF by two years so that both NRES and SCEF end in 2027

The law and subsequent PURA decisions establish renewable energy tariffs that govern how electric customers who install, lease, or otherwise contract with Class I renewable energy sources (e.g., solar facilities) are compensated for the energy and related attributes these facilities generate. The law sets caps for two programs under these tariffs: the Non-Residential Energy Solutions program (NRES) and the Shared Clean Energy Facility program (SCEF). For NRES, the law caps low-emissions projects at 10 MW per year and zero-emissions projects at 100 MW per year. For SCEF, the law applies a 50 MW cap.

For procurement and tariff years starting on and after January 1, 2025, the act allows PURA to exceed the above caps under certain conditions and in a manner PURA determines. Specifically, PURA may do so if the aggregate dollar amount of energy and renewable energy procurements under the programs over the tariff term for all selected projects does not exceed the aggregate dollar amount over the tariff term for projects selected during calendar year 2024. Under the act, this limit applies to procurements during the period starting January 1 of each year and ending when the last project is selected under the usual procurement process as PURA determines.

The law initially established a six-year schedule for SCEF and NRES, but, in practice, these programs started in different years. The act extends SCEF for two years, aligning its termination with NRES, so that both programs end in calendar year 2027.

While the act otherwise generally retains SCEF and NRES caps, it makes a technical change to remove a provision establishing an aggregate cap for both programs.
EFFECTIVE DATE: July 1, 2024

§ 7 — RENEWABLE ENERGY AND EFFICIENT ENERGY FINANCE ACCOUNT

Eliminates an obsolete account and related program

The act eliminates the renewable energy and efficient energy finance account (REEEFA), which, under prior law, was a separate, nonlapsing account within the Green Bank's Clean Energy Fund. The act also eliminates requirements that the Green Bank (1) establish a renewable energy and efficient energy finance program supported by the account and (2) annually report on the program. In practice, authorization for bond funding for this account was cancelled in 2016 (PA 16-4, May Special Session, § 324).
EFFECTIVE DATE: October 1, 2024

PA 24-37—sSB 384
Energy and Technology Committee

AN ACT CONCERNING THE LOW-INCOME ENERGY ADVISORY BOARD

SUMMARY: This act redesignates the "Low-Income Energy Advisory Board" as the "Low-Income Energy and Water Advisory Board" and makes related and other changes to it. This includes adding reporting requirements, broadening the scope of the advice and assistance the board may give state agencies, and changing the qualifications for two of the board's members.

More specifically, the act requires the board to make recommendations to the General Assembly on the availability and implementation of heating and water assistance programs benefiting low-income and moderate-income households, including the Connecticut Low Income Household Water Assistance Program.

It also requires the board to develop recommendations for improving the availability, administration, and implementation of heating and water assistance programs (particularly those created to benefit low-income households) by coordinating and optimizing existing energy efficiency, water conservation, and energy assistance programs. Beginning by October 15, 2024, the board must biennially report these improvement recommendations to the Appropriations, Energy and Technology, and Human Services committees.

The act also authorizes the board to advise and assist the Office of Policy and Management (OPM), Department of Social Services (DSS), and Department of Energy and Environmental Protection (DEEP) in planning, developing, implementing, and coordinating water-assistance-related programs and policies, including those to alleviate the impact of utility rates. Under existing law, unchanged by the act, the board must advise and assist OPM and DSS on energy-assistance-related programs and advise DEEP on the impact of utility rates and policies.

Additionally, the act changes one of the board's members, replacing the Legal Assistance Resource Center of Connecticut's executive director with a designee of Connecticut Legal Services, Inc. who must represent Connecticut Legal Services, Inc., Greater Hartford Legal Aid, or the New Haven Legal Assistance Association.

Lastly, the act makes technical and conforming changes, including making Operation Fuel's chief executive officer, rather than its executive director, a board member and removing an obsolete reporting provision.
EFFECTIVE DATE: July 1, 2024

PA 24-38—sSB 385
Energy and Technology Committee

AN ACT CONCERNING ENERGY PROCUREMENTS, CERTAIN ENERGY SOURCES AND PROGRAMS OF THE PUBLIC UTILITIES REGULATORY AUTHORITY

TABLE OF CONTENTS:

§ 4 — RUN-OF-THE-RIVER HYDROPOWER SOLICITATION

Authorizes the DEEP commissioner to solicit proposals from providers of instantaneous run-of-the-river hydropower that is interconnected to the electric distribution system and allows her to select proposals for up to 20 MW in total by December 31, 2025

§ 5 — SCEF NATURAL GAS REBATES

Requires gas companies to give rebates to SCEF customers that use natural gas (e.g., fuel cells) that were selected to participate in SCEF by the end of 2023

§ 6 — BIOMASS POWER PURCHASE AGREEMENTS

For biomass facilities with certain existing PPAs, authorizes the DEEP commissioner to direct EDCs to enter into additional biomass PPAs for up to 10 years

§ 7 — SOLAR CONSUMER PROTECTION TASK FORCE

Establishes a task force on improving disclosure requirements and consumer protection for solar facilities and requires it to report its findings and recommendations to the Energy and Technology and General Law committees by January 1, 2025

§ 8 — ENTITIES IMPLEMENTING PURA PROGRAMS

Allows PURA to select other agencies or EDCs to implement certain renewable energy programs and EV charging programs

SUMMARY: This act includes provisions on energy procurements (e.g., for nuclear, offshore wind, run-of-the-river hydropower, and biomass resources) and other energy-related topics, as described in the section-by-section analysis below. EFFECTIVE DATE: Upon passage, except that the provisions on the Class III renewable portfolio standard, the run-of-the-river hydropower solicitation, and the selection of other entities by the Public Utilities Regulatory Authority (PURA) to implement certain programs are effective July 1, 2024.

§ 1 — COORDINATED SOLICITATION FOR NUCLEAR FACILITIES

Requires DEEP to coordinate zero-carbon procurements for nuclear facilities with other states starting July 1, 2024, and prohibits PURA from approving any agreements with nuclear facilities unless at least two other states have also approved the agreement

Existing law authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to solicit proposals for up to 12 million megawatt (MW)-hours of energy annually, in the aggregate, from zero-carbon electricity-generating resources that meet certain requirements. If she finds one or more proposals to be in the ratepayers' best interest, she must direct the electric distribution companies (EDCs, e.g., Eversource and United Illuminating) to enter into agreements to purchase energy, capacity, and environmental attributes under the selected proposals. Agreements are subject to PURA's review and approval, and the EDCs must recover their net costs of the agreements through a nonbypassable, fully reconciling component of ratepayer bills. In practice, DEEP conducted solicitations under these provisions and the EDCs entered into contracts with selected bidders, including Millstone Power Station.

For any solicitation DEEP issues under these provisions on or after July 1, 2024, the act requires DEEP to conduct the solicitation in coordination with at least two other states in the ISO-New England control area (i.e., generally, New England states). The act prohibits the DEEP commissioner from directing any EDC to enter into an agreement with a nuclear power generating facility unless applicable officials from at least two other New England states select a proposal for any combination of energy, capacity, and any environmental attributes from an eligible nuclear facility in response to the coordinated solicitation. The act correspondingly requires any agreement PURA reviews and approves from these solicitations to be conditioned on the approval of the agreement in at least two other states by the officials in those states or by other electric utilities or other entities the state officials designate.

Existing law requires DEEP and PURA to conduct an appraisal of nuclear generating facilities to assess certain factors (e.g., their current economic condition and the impact on electric markets, energy security, and grid reliability if the facility retires before July 1, 2027). The act allows the DEEP commissioner to revise the appraisal as she determines to further any

solicitation issued on or after July 1, 2024.

§ 2 — OFFSHORE WIND SOLICITATIONS AND CONTRACTS

Adds requirements to the existing offshore wind procurement authorization related to employing state commercial fishing licensees; allows DEEP to enter into agreements for terms up to 30 years, rather than 20 years, if the solicitation is coordinated with at least one other state and officials from that state select a proposal

Existing law authorizes DEEP to solicit proposals for a total of up to 2,000 MW from offshore wind providers and transmission providers (for transmission associated with offshore wind projects) by December 31, 2030. For selected projects, the DEEP commissioner may direct the EDCs to enter into power purchase agreements (PPAs) for energy, capacity, and associated transmission, subject to PURA's review and approval. The act adds requirements related to employing state commercial fishing licensees and extends the maximum length of agreements entered into under the solicitation from 20 to 30 years under certain conditions.

Employing State Commercial Fishing Licensees

For solicitations on and after July 1, 2024, the act requires DEEP to include contract commitments that require selected bidders, including associated transmission providers, to use best efforts to award certain contracts or employment to state commercial fishing licensees when all other factors are equal. This applies when the bidders are employing or contracting with fishermen for support services (e.g., scouting for fishing gear or serving as a safety vessel in a construction zone) for any projects the state selects or in proportion to the state share of any project selected by multiple states or entities. Specifically, bidders must (1) keep records documenting the best efforts and (2) file a monthly report describing them with the Department of Economic and Community Development on a department-prescribed form.

The act also requires these contract commitments on best efforts to include provisions that require any fishermen providing support services to meet certain training and certification requirements and to be inspected before providing the services. The training and certification standards are those described in the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers. The inspection must follow the International Marine Contractors Association's marine inspection for small workboats inspection document. Under the act, the inspection may be done by the Coast Guard or any inspector accredited through the International Institute of Marine Surveying (IIMS) accredited vessel inspector program conducted by the IIMS Marine Surveying Academy.

Agreement Term Extension

For selected projects, the DEEP commissioner may direct the EDCs to enter into PPAs for energy, capacity, and associated transmission, subject to PURA's review and approval. Under prior law, these agreements were for periods up to 20 years. The act allows the commissioner to direct the EDCs to enter into agreements for periods of up to 30 years if (1) she coordinates the solicitation with at least one other state and (2) in response to the coordinated solicitation, applicable officials in the other state or states select a proposal for any combination of energy, capacity, and environmental attributes for a period up to 30 years.

§ 3 — CLASS III RENEWABLE PORTFOLIO STANDARD (RPS)

Delays the Class III RPS sunset until December 31, 2029, and exempts certain retail electric supply contracts from Class III RPS requirements

Existing law requires EDCs, for their standard service procurement, and electric suppliers to get at least 5% of their total output from Class III sources (e.g., certain combined heat and power systems and waste heat recovery systems, see below).

Under prior law, this requirement would have sunset on December 31, 2024. The act delays this sunset by five years until December 31, 2029. It also creates an exception for any retail electric supply contract entered into or renewed on or after January 1, 2023, but before July 1, 2024. These contracts must get at least 4% of their output from Class III sources. Under the act, this exception begins July 1, 2024, and ends January 1, 2026, or on the contract's renewal date, whichever is sooner.

By law, the following energy sources are Class III sources:

1. electricity output from combined heat and power systems with an operating efficiency level of at least 50% that are part of the customer-side distributed resources developed at commercial and industrial facilities in the state on and after January 1, 2006;
2. a waste heat recovery system installed on or after April 1, 2007, that produces electrical or thermal energy by capturing preexisting waste heat and pressure from industrial or commercial processes; and
3. electricity savings created in this state from conservation and load management programs begun on or after January 1, 2006, excluding ratepayer-supported programs, except that a demand-side management project awarded a contract in a procurement to reduce federally mandated congestion charges is eligible for the contract's term (CGS § 16-1(a)(38)).

§ 4 — RUN-OF-THE-RIVER HYDROPOWER SOLICITATION

Authorizes the DEEP commissioner to solicit proposals from providers of instantaneous run-of-the-river hydropower that is interconnected to the electric distribution system and allows her to select proposals for up to 20 MW in total by December 31, 2025

The act authorizes the DEEP commissioner to solicit proposals from providers of instantaneous run-of-the-river hydropower that is interconnected to the electric distribution system. She must do this in consultation with PURA's procurement manager, the Office of Consumer Counsel, and the attorney general.

The DEEP commissioner must consider at least the following factors when selecting proposals:

1. whether the proposal is in the ratepayer's interest, including the delivered price of any electricity, capacity, or environmental attributes procured through the solicitation;
2. the emissions profile for the provider's hydropower generation facilities;
3. the provider's investments or anticipated investments to improve the facility's emissions profile or environmental performance (e.g., investments related to water quality, water flow, or fish passage);
4. any positive impacts on the state's economic development;
5. whether the proposal is consistent with the state's Comprehensive Energy Strategy; and
6. whether the proposal functions as a load-reducing resource or promotes electric distribution system reliability or other benefits (e.g., microgrids).

The act prohibits the DEEP commissioner from selecting a proposal based on a new dam or a dam she identified as a candidate for removal. It requires proposals to meet applicable state and federal requirements, including those on dam safety and site-specific standards on water quality and fish passage.

Under the act, the DEEP commissioner may select proposals by December 31, 2025, with nameplate capacities of up to 20 MW in the aggregate. The act authorizes the DEEP commissioner to direct the EDCs to enter into PPAs for any combination of energy, capacity, and environmental attributes for periods of up to 20 years on behalf of EDC customers. Agreements are subject to PURA's review and approval and PURA must complete its review within 180 days after the agreement is filed with the authority.

The act allows any Class I renewable energy certificates (RECs) procured through this solicitation to be (1) sold in the New England Power Pool Generation Information System REC market and used by any electric supplier or EDC to meet RPS requirements, with sale revenues credited to EDC customers; or (2) kept by an EDC to meet its RPS requirements. The act requires EDCs, when deciding whether to hold or sell RECs procured under the solicitation, to select the option that is in its ratepayers' best interests.

The act requires the net costs of any agreement entered into under the solicitation, including the EDC's reasonable costs incurred related to the agreement, to be recovered through a fully reconciling electric rate component for all EDC customers. The act also makes DEEP's reasonable costs associated with the solicitation and review of proposals recoverable through the nonbypassable federally mandated congestion charges, which are a component of electric ratepayer bills.

§ 5 — SCEF NATURAL GAS REBATES

Requires gas companies to give rebates to SCEF customers that use natural gas (e.g., fuel cells) that were selected to participate in SCEF by the end of 2023

By January 1, 2025, the act requires each gas company (i.e., the Connecticut Natural Gas Corporation, the Southern Connecticut Gas Company, and Eversource) to institute a program to give rebates to customers that use natural gas for a shared clean energy facility (SCEF) (e.g., a fuel cell) selected to participate in the SCEF program by December 31, 2023.

Under the act, the rebate is equal to the retail delivery charge for transporting natural gas to the SCEF. The act allows the gas company to recover the costs of providing the rebates through its decoupling mechanism, authorized under existing law (CGS § 16-19tt).

The act authorizes PURA to adopt regulations to implement this program.

Generally, a SCEF allows customers to subscribe for energy or RECs from a facility that is not on the customer's premises. Eligible facilities are Class I renewable energy sources (e.g., wind, solar, or fuel cells) 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)).

§ 6 — BIOMASS POWER PURCHASE AGREEMENTS

For biomass facilities with certain existing PPAs, authorizes the DEEP commissioner to direct EDCs to enter into additional biomass PPAs for up to 10 years

The act authorizes the DEEP commissioner to direct an EDC to enter into one or more additional biomass PPAs with eligible biomass facilities. Under the act, eligible biomass facilities are Class I biomass facilities that previously entered into at least one existing biomass PPA that was in effect as of January 1, 2024, and was (1) entered into on or before June 5, 2013, with an EDC or (2) executed under solicitations for up to 4% of the state's load from Class I sources (CGS § 16a-3f) or for up to 6% of the state's load from certain Class I sources or energy storage systems (CGS § 16a-3h) (i.e., an "existing PPA").

The act requires PURA to review and approve any additional biomass PPAs. The EDC must file the PPA with PURA and PURA must issue a decision on it within 180 days after its filing or the decision is deemed approved.

Under the act, any additional biomass PPA must be for (1) the same fraction of energy, capacity, and environmental attributes contracted for under the existing biomass PPA and (2) a 10-year period. The act allows EDCs to sell any RECs procured under the PPA and credit the revenues to its customers or retain the RECs to meet its RPS requirements. When deciding whether to sell or retain RECs, EDCs must select the option that is in ratepayers' best interests.

Under the act, the net costs of the additional biomass PPA, including the EDC's costs under the agreement and its reasonable costs incurred related to it, must be recovered through a fully reconciling electric rate component for all of the EDC's customers.

§ 7 — SOLAR CONSUMER PROTECTION TASK FORCE

Establishes a task force on improving disclosure requirements and consumer protection for solar facilities and requires it to report its findings and recommendations to the Energy and Technology and General Law committees by January 1, 2025

The act establishes a 17-member task force to examine and make recommendations on policy, regulations, and legislation to improve disclosure requirements and consumer protection for consumers who purchase, lease, or enter into PPAs for solar facilities. It requires the task force to examine whether special protections are needed for low-income or elderly consumers.

Membership

In addition to the 12 appointed members listed in the table below, the task force includes the DEEP and Department of Consumer Protection commissioners, the PURA chairperson, the consumer counsel, the Connecticut Green Bank president, or their designees.

Solar Consumer Protection Taskforce Appointees

Appointing Authority	*Number of Appointees*	*Qualifications (if any)*
Governor	Two	Two solar facility retailers or members of an association representing them
House speaker	Two	One must have experience representing senior citizens in consumer protection or utility matters

Appointing Authority	*Number of Appointees*	*Qualifications (if any)*
Senate president pro tempore	Two	One must have experience representing consumer groups, especially in underserved communities
House and Senate majority leaders	One each	None
House and Senate minority leaders	Two each	None

The act requires appointing authorities to make initial appointments by June 20, 2024, and fill any vacancy. The House speaker and Senate president pro tempore must select the task force's chairperson from among its members. The chairperson must schedule the task force's first meeting, which must be held by July 20, 2024. The act requires the Energy and Technology Committee's administrative staff to serve as the task force's administrative staff.

Reporting and Termination

The act requires the task force to report its findings and recommendations to the Energy and Technology and General Law committees by January 1, 2025. The task force terminates on that date or when it submits its report, whichever is later.

§ 8 — ENTITIES IMPLEMENTING PURA PROGRAMS

Allows PURA to select other agencies or EDCs to implement certain renewable energy programs and EV charging programs

Regardless of other state energy laws, the act allows PURA to select the Connecticut Green Bank, DEEP, the EDCs, or a third party PURA deems appropriate, or any combination of these, to implement the following programs:

1. the Nonresidential Renewable Energy Solutions program,
2. the Residential Renewable Energy Solutions program,
3. the SCEF program, or
4. a light-duty or medium- to heavy-duty electric vehicle (EV) charging program established in a PURA proceeding.

In practice, PURA established an EV charging program in a 2021 decision (Docket 17-12-03RE04).

PA 24-2—sSB 293
Environment Committee

AN ACT CONCERNING THE REDEMPTION OF OUT-OF-STATE BEVERAGE CONTAINERS

SUMMARY: This act prohibits, under the state's beverage container redemption law ("bottle bill"), offering an empty beverage container to a dealer (e.g., retailer), redemption center, reverse vending machine, distributor, or deposit initiator (i.e., the first distributor to collect the deposit), to obtain its refund value or handling fee if the offeror knows, or should know, that it was already redeemed or originally purchased out-of-state.

The act correspondingly requires dealers, redemption centers, and reverse vending machine operators to post a conspicuous "Redemption Warning" sign, in at least one-inch font, where empty containers are redeemed. It specifies the language that must be used, which generally informs users about the prohibition and warns them that violating it will subject them to fines and enforcement action.

A violation of the act's prohibition or signage posting requirement is subject to the same fines that apply to other violations of the bottle bill. Specifically, a fine of between $50 and $100 for a first offense, between $100 and $200 for a second offense, and between $250 and $500 for a third or subsequent offense (CGS § 22a-246).
EFFECTIVE DATE: Upon passage

BACKGROUND

Bottle Bill

Under the bottle bill, a deposit must generally be charged on each beverage container at the time of purchase, which is then refunded when redeeming the empty container at a dealer or redemption center. Dealers and distributors generally must take back containers of the kind, size, and brand they sell. Distributors then pay dealers and redemption center operators the refund value plus a per-container handling fee.

PA 24-9—sHB 5219
Environment Committee
Transportation Committee

AN ACT CONCERNING STANDARDS FOR THE SPRAYING OF HERBICIDES ALONG RAILROAD RIGHT-OF-WAYS

SUMMARY: This act does the following with respect to railroads that apply pesticide to their rights-of-way:

1. expands the types of information these railroads must include in the vegetation management plans (VMPs) they must submit annually to the Department of Transportation (DOT) and each town in which they will apply pesticide in the coming year;
2. requires these railroads to also develop, subject to a 45-day public comment period, yearly operational plans that include, among other things, maps showing the rights-of-way and difficult-to-identify sensitive areas and information about the herbicides that will be applied; and
3. imposes method- and area-specific restrictions on applications in railroad rights-of-way, such as those occurring near public surface water sources, private wells, or wetlands.

Under the act, anyone who violates its provisions is subject to a fine of up to $90. The act gives the Department of Energy and Environmental Protection (DEEP) and DOT authority to enforce its pesticide application restrictions, but within available resources.
EFFECTIVE DATE: July 1, 2024

RAILROAD VEGETATION PLANS

Vegetation Management Plan

Existing law requires the railroads' VMPs to identify the targeted vegetation and management methods. Beginning February 1, 2025, the act requires the plans to also include the following:

1. equipment proposed to be used,
2. timing of herbicide applications,
3. any alternative control procedures,
4. qualifications of the people developing and submitting an integrated pest management (IPM) plan to DOT and the chief elected official or board of selectmen of each town in which pesticide will be applied in the coming year at the same time the railroad submits its VMP (see BACKGROUND), and
5. the IPM plan's contents that show how it will minimize the amount and frequency of herbicide use.

Yearly Operational Plan

Under the act, each railroad that intends to apply pesticide in its rights-of-way must, with its VMP and IPM plan submission to DOT and applicable towns, submit a yearly operational plan (YOP) on these pesticide applications. A YOP must include the following information:

1. maps locating the rights-of-way and sensitive areas that are not readily identifiable in the field and a description of the methods for designating sensitive areas;
2. targeted vegetation;
3. herbicides proposed for use, with the federal Environmental Protection Agency (EPA) registration number and applicable herbicide fact sheets for each, and the anticipated application rates, carriers (materials for dispersing effectively), and adjuvants (additives that enhance effectiveness);
4. herbicide application techniques and proposed alternative control procedures; and
5. name, address, and telephone number of the company that will perform any herbicide treatment.

LOCATIONAL APPLICATION RESTRICTIONS

Regardless of the contents of a railroad's VMP, IPM plan, or YOP, the act establishes specific application restrictions for railroad rights-of-way.

Regarding the method of application, the act prohibits railroads or their agents from doing the following:

1. exceeding the minimum labeled rate appropriate for the site, pest, and application involved;
2. applying herbicides when the wind's velocity is likely to drift them off-target or there is measurable precipitation;
3. applying herbicides that EPA or DEEP identified as potential groundwater contaminants; and
4. conducting a leaf-related herbicide application on vegetation that is higher than 12 feet, excluding side trimming.

The act also restricts railroads or their agents from pesticide applications and associated activities in certain areas, as shown in the table below.

Locational Application Restrictions

Location	***Prohibited Actions***
DEEP-determined sensitive areas	• Mixing herbicide within 100 feet of the sensitive area • Not making the area's perimeter readily visible before application • Not using a low-pressure application method on leaves, at the base of vegetation, or on cut-stumps when mechanical control is not possible
Water supply areas (see BACKGROUND)	Applying herbicide within the following distances: • 100 feet of a Class A public surface water source • 100 feet of a tributary or associated surface water body located within Zone A of the Class A source or 10 feet of a tributary or associated surface water source outside of

Location	*Prohibited Actions*
	Zone A • lateral distance of 100 feet for 400 feet upstream of a Class B drinking water intake • between 100 feet from a Class A surface water source and a Zone A outer boundary • between 10 feet and a Zone A outer boundary for a tributary or associated surface water body outside of a Zone A of a Class A surface water source • lateral distance of between 100 feet and 200 feet for 400 feet upstream of a Class B drinking water intake unless 24 months have passed since the site's last application, and it is applied selectively by low pressure using leaf-based techniques or base or cut-stump applications
Private wells	Applying herbicide within the following distances: • 50 feet of the well • between 50 feet and 100 feet of the well unless 24 months have passed since the site's last application, and it is applied selectively by low pressure using leaf-based techniques or base or cut-stump applications
Wetlands	Applying herbicide within the following distances: • 10 feet of a wetland, the mean annual high-water line of a river, or vernal pool • between 10 feet and 100 feet of a wetland, within 10 feet from the mean annual high-water line of a river and the outer boundary of a riverfront area, or within 10 feet of a certified vernal pool and the outer boundary of a certified vernal pool habitat
Inhabited or agricultural areas	Applying leaf-based herbicide within 100 feet of the area unless 12 months have passed since the site's last application, and it is applied selectively by low pressure using leaf-based techniques or base or cut-stump applications

BACKGROUND

IPM

By law, IPM is the use of all available pest control techniques, including careful pesticide use, when needed, to keep a pest population at or below an acceptable level, while decreasing pesticide use (CGS § 22a-47(dd)).

Water Quality Classes

Water quality classes define the quality of water. There are separate classes for inland surface waters, coastal and marine surface waters, and ground water. Class A areas are for inland potential drinking water supply, fish and wildlife habitat, recreational use, and agricultural and industrial supply. Class B waters are for inland fish and wildlife habitat, recreation, agricultural and industrial supply, and other legitimate uses including navigation.

PA 24-10—HB 5222
Environment Committee

AN ACT ESTABLISHING A NO-WAKE ZONE ON THE PAWCATUCK RIVER AND AUTHORIZING THE PURCHASE OF CERTAIN RIPARIAN BUFFERS

SUMMARY: This act allows the Department of Energy and Environmental Protection (DEEP) to use funds available for stormwater infrastructure to acquire conservation easements along streams and rivers in the state, regardless of any state law requiring otherwise. The DEEP commissioner may set the percentage of stormwater infrastructure funds that may be used for this purpose. The property owner of an acquired conservation easement must keep native trees, shrubs, and herbaceous cover along the stream or river instead of lawn, golf courses, and athletic fields (i.e., a "vegetated condition" buffer).

The act also creates a "slow-no-wake" zone for boating vessel operators on the Pawcatuck River, which is near the Rhode Island border, between Pawcatuck Rock (red marker No. 16) and Graves Neck (red marker No. 6). It makes a violation of the zone an infraction, and requires the DEEP commissioner to administer the provision.

Under DEEP boating safety regulations, a vessel in a "slow-no-wake" zone must (1) produce no more than a minimum wake and (2) not go faster than six miles per hour over the ground unless a higher speed is needed to maintain steerage in strong currents. In no case can the vessel's wake be strong enough to cause injury to people or damage to vessels or structures (Conn. Agencies Regs., § 15-121-A1(j)).
EFFECTIVE DATE: Upon passage, except for the slow-no-wake provisions, which are effective July 1, 2024.

PA 24-11—sHB 5225
Environment Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE INVASIVE PLANTS COUNCIL

SUMMARY: This act adds seven plants to the list of invasive or potentially invasive plants that are generally banned in the state. By law, a violator of the ban is subject to a fine of up to $100 per plant.

Specifically, beginning October 1, 2024, and regardless of any municipal ordinance, the act prohibits anyone from importing, moving (except for eradication, research, or educational purposes), selling, purchasing, transplanting, cultivating (except for research purposes), or distributing the following plants, or their reproductive portions (e.g., seeds, flowers, roots, tubers): Porcelainberry, mugwort, quackgrass, Japanese angelica tree, Japanese wisteria, and Chinese wisteria. Beginning October 1, 2027, it similarly prohibits anyone from taking these actions with respect to callery pear.

The act also requires the Invasive Plants Council to submit a report to the Environment Committee by March 1, 2025, on the cultivars of Japanese barberry and Burning bush that are sterile and may reasonably be sold in the state. (By law, the council must annually publish and periodically update the list of invasive and potentially invasive plants and recommend ways to control them, among other things.)
EFFECTIVE DATE: October 1, 2024, except for the report provision, which takes effect upon passage.

PA 24-12—sHB 5229
Environment Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE EELGRASS WORKING GROUP

SUMMARY: This act requires the eelgrass working group convened under Special Act 23-7 to reconvene by January 1, 2025, for specified purposes. It also requires the Department of Energy and Environmental Protection (DEEP) to select a Connecticut Seagrass Coordinator. DEEP must do this with the Department of Agriculture's (DoAg) Bureau of Aquaculture and UConn.
EFFECTIVE DATE: Upon passage

WORKING GROUP

The act requires the reconvened working group to review the (1) Eelgrass Collaborative's work on permitting and eelgrass restoration policies in Connecticut (see BACKGROUND) and (2) U.S. Army Corps of Engineers' existing permit

regulations to evaluate future changes and the need to make similar changes to DEEP's and DoAg's policies.

CONNECTICUT SEAGRASS COORDINATOR

Under the act, the coordinator must generally oversee and interact with those in the eelgrass community and do the following:

1. work with DEEP to develop ways to sustainably harvest eelgrass seeds from existing Connecticut eelgrass meadows for use in restoration projects;
2. research, review, and compile best management practices for aquaculture operations near eelgrass meadows;
3. specify eelgrass-friendly mooring systems in mooring fields with a high potential to host eelgrass (as predicted by the Eelgrass Habitat Suitability Index model) and identify public awareness campaigns for use of the systems; and
4. establish metrics for evaluating the state's eelgrass restoration efforts to determine a reasonable return on investment.

BACKGROUND

Eelgrass Collaborative

The Long Island Sound Eelgrass Collaborative is a bi-state eelgrass working group formed in 2023 to bring together scientists, practitioners, and other stakeholders to evaluate eelgrass management in Long Island Sound and advance eelgrass restoration in the region. The collaborative is funded by the Long Island Sound Study and facilitated by UConn's Connecticut National Estuarine Research Reserve.

PA 24-13—sHB 5355
Environment Committee

AN ACT CONCERNING THE WATER RESOURCES OF THE UPPER FARMINGTON RIVER VALLEY

SUMMARY: This act requires the Department of Energy and Environmental Protection commissioner to make Colebrook River Lake Dam release and holdback requests to the U.S. Army Corps of Engineers, as needed, to achieve an optimum flow in the Farmington River for fish and wildlife, recreation, river health, flood risk reduction, tourism, hydropower, and safety. The commissioner must consult with the Metropolitan District Commission (MDC) when doing this. (Colebrook River Lake Dam is on the Farmington River's west branch in Colebrook.)

The act also requires MDC to release from the Goodwin Dam any amount of water released from the Colebrook Dam based on the commissioner's request. This applies regardless of any state statute or special act. (Goodwin Dam is also on the Farmington River's west branch, just east of Colebrook and downstream from the Colebrook River Lake Dam.)

Lastly, the act requires the commissioner to report to the Environment Committee by January 1, 2025, on recommended ways for the state to manage Colebrook River Lake waters between the levels of 701 and 641 feet if the federal government releases MDC from its responsibility for these waters. The report must address the state's interest in achieving an optimum flow for fish and wildlife, recreation, river health, flood risk reduction, tourism, hydropower, and safety. The commissioner must consult with relevant stakeholders when preparing the report.
EFFECTIVE DATE: Upon passage

PA 24-42—HB 5227
Environment Committee

AN ACT CONCERNING THE RELEASE OF CERTAIN LIENS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

SUMMARY: This act creates a process by which someone with an interest in real property that is subject to a satisfied, undischarged lien may request its discharge, and the Department of Energy and Environmental Protection (DEEP) must abide by the request. It does this regardless of any state environmental protection statutes.

Under the act, the person must request the discharge in writing to DEEP, sent by registered or certified mail, postage prepaid, return receipt requested. DEEP then has 60 days after receiving the request to discharge the lien by mailing a

release, by certified mail with return receipt requested, to the requester and any municipality where the lien is recorded. The lien release must meet the requirements under existing law for these instruments (e.g., it must include the parties' names, the lien's date and recording information, and a lienholder signature that was acknowledged and witnessed).
EFFECTIVE DATE: Upon passage

PA 24-59—sSB 292
Environment Committee

AN ACT CONCERNING THE USE OF PFAS IN CERTAIN PRODUCTS

SUMMARY: This act generally regulates the sale and use of certain products containing per- and polyfluoroalkyl substances (PFAS) (see BACKGROUND). It authorizes the Department of Energy and Environmental Protection (DEEP) commissioner to enforce the act's provisions. She may also coordinate with the agriculture, consumer protection, and public health commissioners to do so.

Beginning October 1, 2024, the act bans using, selling, or offering for sale as a soil amendment any biosolids (i.e., residue from treating domestic sewage) or wastewater sludge that contains PFAS.

Beginning January 1, 2026, the act allows the distribution, sale, or offering for sale of new (or not previously used) outdoor apparel for severe wet conditions that contains PFAS only if the product (and any online listing for it) includes a clear disclosure stating, "Made with PFAS chemicals." Also beginning on January 1, 2026, it requires anyone selling turnout gear (e.g., protective clothing for firefighters and emergency medical service personnel) that contains intentionally added PFAS to give the purchaser written notice of this fact at the time of sale and the reason PFAS are in the gear.

Beginning July 1, 2026, the act allows the manufacturing, selling, or offering or distributing for sale, of 12 categories of products if they contain intentionally added PFAS only if the manufacturer labels the products and gives prior written notice to DEEP. Without labeling and notice, their manufacturing, selling, or offering or distributing for sale is banned. The covered product categories are apparel, carpets or rugs, cleaning products, cookware, cosmetics, dental floss, fabric treatments, children's products, menstruation products, ski wax, textile furnishings, and upholstered furniture.

Beginning January 1, 2028, the act bans manufacturing, selling, or offering or distributing for sale, any of the above listed products if they contain intentionally added PFAS (i.e., the 12 above listed product categories as well as outdoor apparel for severe wet conditions and turnout gear).

To help with carrying out the act's various provisions, the act allows DEEP to participate in creating a multijurisdictional clearinghouse for manufacturers' information, including a database for products containing intentionally added PFAS. It also allows DEEP to impose fees to cover the department's costs related to the act.

Lastly, the act explicitly specifies that school districts are eligible for funding from the General Fund's PFAS Testing account to test for and remediate PFAS contamination in drinking water supplies. By law, the DEEP commissioner uses the account, in consultation with the public health commissioner, to provide grants or reimbursements to municipalities, which includes school districts. The act also expands the account's purpose to include implementing the act's regulation of PFAS in various products, including administrative costs, enforcement, and costs associated with the department's participation in a multijurisdictional clearinghouse.
EFFECTIVE DATE: October 1, 2024, except that the provisions on the PFAS Testing account are effective upon passage.

PRODUCTS WITH INTENTIONALLY ADDED PFAS

Under the act, "intentionally added PFAS" is any PFAS deliberately added during a product's manufacturing process where PFAS are desired for a specific function.

The act defines most of the products regulated or banned under it, often with a generally accepted meaning along with specific examples and, in some cases, exclusions. For example, under the act, "apparel" excludes personal protective equipment or clothing used exclusively by the U.S. military or in aerospace or defense applications and outdoor apparel intended for severe wet conditions. "Carpet or rug" excludes a covering meant only for use in vehicles or aircraft. "Children's product" is generally a product designed for an infant or child under age 12, but specifically excludes adult mattresses and electronic devices and related equipment (e.g., computer, wireless phone, game console, mouse, keyboard, or power cord). "Textile furnishings" excludes those intended solely for use in vehicles, boats, or aircraft, among other things. "Cosmetic product" excludes soap and a product that requires a prescription.

Also, a cosmetic product does not violate the act if it is made through a manufacturing process that is intended to comply with the act but still contains an unavoidable trace quantity of PFAS that is attributable to impurities of natural or synthetic ingredients, the manufacturing process, storage, or migration from packaging.

EXEMPTIONS

The act specifies that it does not apply to the sale or resale of a used product or the following:

1. those for which federal law governs or requires the presence of PFAS in a way that preempts state authority;
2. Class B firefighting foam;
3. packaging with intentionally added lead, cadmium, mercury, or hexavalent chromium;
4. food packaging with intentionally added PFAS;
5. prosthetic or orthotic devices or medical devices or drugs used in medical settings that the U.S. Food and Drug Administration regulates;
6. products made with at least 85% recycled content; and
7. products (or their replacement parts) manufactured before a ban is imposed under the act.

NOTIFICATION AND LABELING REQUIREMENTS

Notification to DEEP

Beginning July 1, 2026, the act requires manufacturers of certain products manufactured, sold, or offered or distributed for sale in the state with intentionally added PFAS to give prior written notification to DEEP. If the manufacturer fails to do so, the act prohibits anyone from selling, or offering or distributing for sale, any of the affected products. The products included are apparel, carpets or rugs, cleaning products, cookware, cosmetics, dental floss, fabric treatments, children's products, menstruation products, ski wax, textile furnishings, and upholstered furniture.

Under the act, a "manufacturer" is the person who creates or produces the product or whose brand name is on it. For products imported into the United States, this includes the importer or first domestic distributor if that person does not have a U.S. presence. A "product" is any item manufactured, assembled, packaged, or prepared for sale to consumers, including product components, or sold or distributed for personal, residential, commercial, or industrial use.

A manufacturer may give the required information for a product category or type, rather than for each individual product. The manufacturer's notification to DEEP must include the following:

1. a brief product description, including the product category and PFAS' function in the product;
2. all relevant chemical abstract service registry numbers, if applicable, or the molecular formulas and weights for all intentionally added PFAS in the product; and
3. information for each product category, as follows:
    a. the amount of each PFAS or subgroups in each category;
    b. the range of PFAS in the product category by percent weight;
    c. if no analytical method exists, the amount of total fluorine present in the product category;
    d. why the PFAS are used in the product; and
    e. the manufacturer's name and address and a contact person's name, address, and phone number.

The act requires the manufacturer to update the above information whenever it changes or when DEEP requests it to do so.

Labeling

Beginning July 1, 2026, the act prohibits the manufacturing, selling, or offering or distributing for sale in the state, any of the above listed products unless they are labeled in line with the act's requirements.

The act requires that each label must (1) be clearly visible before the sale; (2) inform the purchaser, using words or symbols DEEP approves, that PFAS are present in the product; and (3) be constructed of sufficiently durable materials that will remain legible for the product's useful life. Whenever a product contains intentionally added PFAS and is a component of another product, the product that contains the component must be labeled.

The act requires the manufacturer to apply the required labels unless the wholesaler or retailer agrees to accept this responsibility.

The act also specifies that it does not require or replace a disclosure, notice, or labeling that federal law prohibits or prescribes.

CLEARINGHOUSE

The act allows DEEP to participate in establishing and implementing a multijurisdictional clearinghouse. Under the act, the clearinghouse may help in carrying out the act's requirements by (1) coordinating the review of manufacturer

obligations under the act and (2) maintaining a database of products with intentionally added PFAS and exemptions granted by the participating jurisdictions.

Additionally, regardless of any provision of the state's Freedom of Information Act, the act allows the DEEP commissioner to provide the existing multistate clearinghouse that tracks information on chemicals in commercial goods, among other things, with information relating to the administration of this act. It also allows her, in consultation with that multistate clearinghouse, to compile or publish analyses or summaries of the information, as long as they do not identify any manufacturer or disclose confidential information.

FEES

The act allows the DEEP commissioner to impose fees to cover the costs of administering the act's PFAS provisions. (Presumably, the fees are to be imposed upon manufacturers, though the act does not specify.) The fees must be (1) set annually based on an actual accounting of program costs, (2) posted on DEEP's website, (3) used by the commissioner to cover DEEP's costs related to the act, and (4) deposited in the state's existing PFAS Testing account.

ENFORCEMENT

The act specifies that the DEEP commissioner may enforce its provisions under her general powers granted by state law. She may also coordinate with the agriculture, consumer protection, and public health commissioners to do so.

Certificate of Compliance

Upon DEEP's written request, the product's manufacturer or supplier must give DEEP a certificate of compliance stating that a product complies with the act's provisions. The act requires anyone to give the DEEP commissioner, upon her request, any information that the person may have or can reasonably get that is relevant to show compliance.

The manufacturer's or supplier's authorized official must sign a certificate of compliance. Additionally, the manufacturer or supplier must keep the certificate of compliance on file and may make it available on its website or through its authorized representative (including a multijurisdictional clearinghouse).

BACKGROUND

PFAS

Per- and polyfluoroalkyl substances, commonly known as PFAS, are a class of man-made chemicals that are resistant to heat, water, and oil. They have been used in industrial applications and various consumer products since the 1940s. PFAS are persistent in the environment and the human body; they bioaccumulate (i.e., concentrations increase over time) and do not break down.

PA 24-69—sHB 5223
Environment Committee

AN ACT CONCERNING MINOR REVISIONS TO AGRICULTURE RELATED STATUTES AND TO OPEN SPACE ACQUISITION RELATED STATUTES

TABLE OF CONTENTS:

§ 3 — ANIMAL POPULATION CONTROL PROGRAM

Allows a municipal pound to use a program voucher to have any dog or cat sterilized or vaccinated before the animal is purchased or adopted from the pound

§§ 4 & 5 — EQUINE HEALTH CERTIFICATE BEFORE AUCTION

Removes a requirement that the state veterinarian sign a health certificate for an equine being brought to public auction; defines "Coggins test" as the official test for equine infectious anemia

§ 6 — APIARY INSPECTOR

Removes the minimum qualifications for a person to be appointed as an apiary inspector

§ 7 — MILK REGULATION BOARD

Removes the requirement that the governor's appointees to the Milk Regulation Board be confirmed by either chamber of the General Assembly

§ 8 — RABIES VACCINATION

Generally requires dogs and cats to receive a rabies vaccination between 12 and 14 weeks of age

§§ 9-13 — OPEN SPACE AND WATERSHED LAND ACQUISITION GRANT PROGRAM

Allows up to 5% of OSWA grants to reimburse for in-kind services or incidental expenses under certain circumstances; expands the circumstances under which OSWA grant funds may be used to restore or protect open space already owned by the applicant, such as when the land is in an environmental justice community; increases the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board to include two DEEP-appointed members who represent or are from certain communities, such as environmental justice areas; makes conforming changes (§§ 12 & 13)

§ 14 — EMINENT DOMAIN FOR FLOOD CONTROL IN BRIDGEPORT

Authorizes DEEP to acquire certain property in Bridgeport related to a flood control and protection project; sets a process for DEEP, if needed, to require the relocation or removal of public service facilities

SUMMARY: This act makes various changes to agriculture- and open space acquisition-related statutes as described in the section-by-section analysis below.
EFFECTIVE DATE: Upon passage, unless otherwise specified below.

§ 1 — COMMERCIAL KENNEL, GROOMING, AND TRAINING SERVICES

Requires businesses to get separate commercial kennel, grooming facility, and training facility licenses from DoAg; specifies that a grooming facility includes a vehicle or trailer used for a dog grooming business

By removing the exemption for commercial kennels from the definitions of "grooming facility" and "training facility" and removing the exemption for grooming facilities from the definition of "training facility," the act requires a business to get a separate kennel, grooming, or training license from the Department of Agriculture (DoAg) for each one of these activities it conducts. Correspondingly, it requires the business to comply with the statutory requirements for each license type as a separate entity. Under prior law, commercial kennels that also groomed or trained dogs, and grooming facilities that also trained dogs, were exempt from the additional licensure requirements.

By law, a commercial kennel license costs $400. Grooming facility and training facility licenses cost $200 each. Each license expires the December 31 following its issuance and may be renewed every two years. Licensees must comply with state regulations on sanitation, disease, humane treatment of animals, and public safety as well as municipal zoning regulations (CGS § 22-344).

Additionally, the act specifies that a grooming facility, which is a place maintained to groom dogs, includes a vehicle or trailer used for a dog grooming business.

§ 2 — TECHNICAL CHANGE

Makes a technical change

The act makes a technical change.

§ 3 — ANIMAL POPULATION CONTROL PROGRAM

Allows a municipal pound to use a program voucher to have any dog or cat sterilized or vaccinated before the animal is purchased or adopted from the pound

The act allows a municipal pound to use a voucher from the Animal Population Control Program to get any dog or cat, rather than only ones with pyometra, sterilized and vaccinated before the animal is purchased or adopted from the pound.

By law, municipal pounds cannot sell or give away an unspayed or unneutered dog or cat unless the person buying or adopting the animal pays $45 for a spay and neuter voucher. The person can redeem the voucher at a participating veterinarian for sterilization and vaccination services, or the pound can arrange for the services before releasing the animal. If the veterinarian determines the animal is medically unfit for sterilization, the person may apply to DoAg for a refund.

§§ 4 & 5 — EQUINE HEALTH CERTIFICATE BEFORE AUCTION

Removes a requirement that the state veterinarian sign a health certificate for an equine being brought to public auction; defines "Coggins test" as the official test for equine infectious anemia

The act removes a requirement that the state veterinarian sign a health certificate that a state-licensed veterinarian issues for an equine (e.g., horse) being brought to public auction. It also defines "Coggins test" as the official test for equine infectious anemia, for which equines being auctioned must test negative by law.

§ 6 — APIARY INSPECTOR

Removes the minimum qualifications for a person to be appointed as an apiary inspector

The act removes the minimum qualifications for an apiary inspector. Under prior law, to be appointed as an inspector by the state entomologist, a person had to meet the qualifications of an Agricultural Research Technician II at the Connecticut Agricultural Experiment Station and have at least five years of beekeeping experience or three years of experience as a bee inspector.

§ 7 — MILK REGULATION BOARD

Removes the requirement that the governor's appointees to the Milk Regulation Board be confirmed by either chamber of the General Assembly

The act removes the requirement that the governor's eight appointees to the Milk Regulation Board be confirmed by either General Assembly chamber, allowing them to be seated without legislative review. By law, the board is responsible for adopting regulations on the sale and production of milk and milk products.

§ 8 — RABIES VACCINATION

Generally requires dogs and cats to receive a rabies vaccination between 12 and 14 weeks of age

The act requires owners or keepers of dogs or cats to have the animals vaccinated against rabies when the animals are between 12 and 14 weeks old or at the vaccine manufacturer's recommended age as approved by the U.S. Department of Agriculture (rather than at least three months old as under prior law) or later if those ages have lapsed. A violation is an infraction.

§§ 9-13 — OPEN SPACE AND WATERSHED LAND ACQUISITION GRANT PROGRAM

Allows up to 5% of OSWA grants to reimburse for in-kind services or incidental expenses under certain circumstances; expands the circumstances under which OSWA grant funds may be used to restore or protect open space already owned by the applicant, such as when the land is in an environmental justice community; increases the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board to include two DEEP-appointed members who represent or are from certain communities, such as environmental justice areas; makes conforming changes (§§ 12 & 13)

OSWA Grant Expansion (§§ 9 & 11)

The Open Space and Watershed Land Acquisition Program (OSWA), which the Department of Energy and Environmental Protection (DEEP) administers, generally gives state grants to municipalities, land trusts, and water companies to buy land to be preserved as open space in perpetuity.

The act allows for up to 5% of the total amount of OSWA program grants in any fiscal year to be made to distressed municipalities, targeted investment communities, land trusts, and municipalities to reimburse for in-kind services or incidental expenses (e.g., survey fees, appraisal costs, legal fees) to acquire land in a distressed municipality, targeted investment community, or an environmental justice community.

Prior law allowed DEEP, under the OSWA program, to give grants to distressed municipalities and targeted investment communities to restore or protect natural features or habitats on open space land they already own. The act expands the eligibility of these grants to (1) municipalities that seek to restore or protect open space in an environmental justice community and (2) land trusts that seek to restore or protect open space in a distressed municipality, targeted investment community, or environmental justice community. As under existing law, the total amount of the grants that DEEP makes for this purpose cannot exceed 20% of all OSWA grants made in any fiscal year.

The act caps the amount of program grants to municipalities with environmental justice communities at 75% of the land value or 50% of the costs of work to restore, enhance, or protect resources. This is the same percentage available under existing law for distressed municipalities, targeted investment communities, land trusts, and water companies.

By law, an "environmental justice community" is (1) a distressed municipality or (2) any U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level.

Natural Heritage, Open Space and Watershed Land Acquisition Review Board (§ 10)

The act increases, from 21 to 23, the membership of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board. The DEEP commissioner appoints both new members. One must represent a community of color, low-income community, or community-based organization, or be a professor from a college or university in Connecticut with environmental justice experience. The other must live in a U.S. census block group, as determined by the most recent census, for which at least 30% of the population consists of low-income people who are not institutionalized and have an income below 200% of the federal poverty level.

By law, this board is responsible for helping and advising the DEEP commissioner to carry out the requirements of the OSWA and Recreation and Natural Heritage Trust programs, the latter of which is generally tasked with acquiring land for public use that represents the state's ecological diversity, is essential habitat for endangered or threatened species, or is of unusual natural interest. Board members serve three-year terms.

EFFECTIVE DATE: July 1, 2024

§ 14 — EMINENT DOMAIN FOR FLOOD CONTROL IN BRIDGEPORT

Authorizes DEEP to acquire certain property in Bridgeport related to a flood control and protection project; sets a process for DEEP, if needed, to require the relocation or removal of public service facilities

The act authorizes DEEP to acquire by purchase, gift, devise, exchange, or eminent domain up to 25.7 acres of real property (or its interests or rights) in Bridgeport for flood control and protection and related public purposes. The acquisition must be necessary to build a disaster relief, long-term recovery, or infrastructure restoration project funded by a 2016 Community Development Block Grant for natural disaster resilience (i.e., the Resilient Bridgeport project).

Under the act, the acquisition must occur before October 1, 2034, and the owner of any private property subject to eminent domain may challenge the amount of compensation involved in Superior Court.

If the DEEP commissioner determines that the property or its flood control and protection improvement's construction, operation, maintenance, repair, or reconstruction would need a public service facility (e.g., power lines or pipelines) to be readjusted, relocated, or removed, she may issue an order to do so to the company, corporation, or municipality that owns or operates it.

After receiving the order, the public service facility must be promptly readjusted, relocated, or removed, but the state must, within available appropriations, pay an equitable share of the cost to do so, including the cost to install and construct a public service facility of equal capacity in a new location. The act specifies that the equitable share is calculated as the transportation department calculates the equitable share for the same actions for state highways, but not limited access highways.

EFFECTIVE DATE: July 1, 2024

PA 24-94—SB 192
Environment Committee
Judiciary Committee

AN ACT CONCERNING DAM SAFETY

SUMMARY: This act expands the Department of Energy and Environmental Protection (DEEP) commissioner's authority under the state's dam safety law to respond to conditions that threaten public safety or the environment. It sets out a process for her, without prior hearing, to order a dam's owner or caretaker to remedy a problem with a dam when (1) it is causing, or about to cause, a condition posing an imminent and substantial threat to public safety or the environment or (2) the governor proclaims a civil preparedness state of emergency about a dam. A hearing must be held after she issues the order.

In these circumstances, the act also authorizes the commissioner to correct a problem with a dam and makes a person who owns or is responsible for the dam liable for the department's costs and expenses. It subjects the owner or responsible person to damages that are twice the department's costs and expenses if the dam is noncompliant with the dam safety law.

By law, dams that might endanger life or property are subject to DEEP's jurisdiction, and the commissioner or her representatives may enter private property as needed for investigations. The act explicitly prohibits maintaining a dam in a condition that might endanger life or property. But it creates an exception to these provisions for when the dam's owner reasonably shows the commissioner, upon her request, that the dam is a hazard only to the owner's property. Another existing law, unchanged by the act, requires the commissioner to investigate and inspect dams or other structures that, in her judgment, would cause loss of life or property damage if they broke away (CGS § 22a-402(a)).

EFFECTIVE DATE: Upon passage

CORRECTING THREATENING DAM CONDITIONS

Correction Order

Under the act, if the commissioner investigates a dam and finds that it is causing, or about to cause, a condition that she thinks will result in, or is likely to result in, an imminent and substantial threat to public safety or the environment, she may issue a written order, without a hearing, to the dam's owner or caretaker to discontinue, abate, or alleviate the problem. The act also allows her to do this when the governor proclaims a civil preparedness state of emergency about a dam. To issue an order in either case, she must find that there is a threat to human life or to property other than the dam owner's.

The order may state that the commissioner will immediately act to discontinue the condition or make the dam safe (e.g., repair or temporarily or permanently stabilize it), and the act authorizes her to do so, including by hiring contractors or consultants (see *Liability for Costs and Expenses* below).

Service and Effect of Order. The act requires that the order be served using the existing legal process for serving civil orders (for individuals, generally in person or by leaving it at their residence). It also allows the commissioner to have a copy of the order posted on the property involved without it being a trespass.

The act requires immediate compliance with the order when it is received. The order is binding on all persons against whom it is issued, including their agents and contractors.

Hearing. The act requires the commissioner to hold a hearing within 10 days after the date that all persons served with the order received it. The hearing is an opportunity for a served person to show that the threatening dam condition does not exist.

The act requires that all legal briefs or memoranda for the hearing be filed within 10 days after the hearing. DEEP's original order remains in effect until 15 days after the hearing and, during that time, the commissioner must issue a decision

based on the hearing.

Court Action. Existing law, unchanged by the act, makes a violation of the state's dam safety law, including an order issued under it, punishable by a fine of up to $1,000 per offense, which a court sets. Each day a violation continues is a separate offense. A court may also issue an injunction on a problem with a dam and require that it be fixed.

The act correspondingly allows, when a dam is unsafe and threatening public safety or the environment or there is a gubernatorial civil preparedness emergency proclamation about a dam, the court-issued injunction to authorize DEEP to immediately act to fix a dam's condition and make it safe. But the commissioner must also find that there is a threat to human life or to property other than the dam owner's.

Liability for Costs and Expenses

Under the act, dam owners or caretakers that receive DEEP orders to remedy a problem with a dam as described above are liable for the costs and expenses DEEP incurs to investigate, contain, abate, remove, monitor, or mitigate the threat the dam causes. If the dam that is the subject of the order is noncompliant with the state's dam safety law, the owner or caretaker is liable for damages that are twice DEEP's costs and expenses.

The act requires the attorney general to bring a civil action to recover the costs, expenses, and damages, if the commissioner requests it.

PA 24-100—sSB 194
Environment Committee

AN ACT CONCERNING CERTAIN FARMING PROGRAMS OF THE DEPARTMENT OF AGRICULTURE

SUMMARY: This act eliminates a requirement that the agriculture commissioner consult with the energy and environmental protection commissioner before approving a request to remove a development rights restriction from agricultural land preserved under either the Farmland Preservation Program or Community Farm Preservation Program.

The act also requires the agriculture commissioner to study the need to establish an annual harvest season for vehicles transporting agricultural products and report his recommendations to the Environment Committee by January 1, 2025.

Lastly, the act repeals various agriculture statutes and makes a conforming change.

EFFECTIVE DATE: Upon passage

REPEALED STATUTES

The act repeals statutes that do the following:

1. require the agriculture commissioner to establish and administer Connecticut Farm Fresh Market and Connecticut Farm Fresh Restaurant certification programs and make grocery stores' access to economic development grants contingent on their certification as a farm fresh market (CGS § 22-38b);
2. allow the Seafood Advisory Council to use funds and enter into contracts, both of which it can do under other statutes (CGS § 22-457); and
3. limit the agriculture department's aquaculture industry resource assessment permits to no more than 100 acres of assessed area per permit, require buoys to be placed to identify the area, and require the department to notify abutting shellfish ground owners or lease holders about the permit (CGS § 26-237e).

PA 24-105—SB 296
Environment Committee

AN ACT ESTABLISHING A TASK FORCE TO STUDY THE ENFORCEMENT OF CERTAIN PROVISIONS OF THE GENERAL STATUTES CONCERNING ROAMING LIVESTOCK AND AMENDING CERTAIN STATUTES CONCERNING ROAMING LIVESTOCK

SUMMARY: Existing law prohibits owners or keepers of dogs or livestock from allowing their animals to roam at large on another's land or a public highway when not under their control. A violation is an infraction. This act authorizes animal control officers to seek an order enforcing the law, including an injunction, from the Superior Court in the judicial district in which an animal is found roaming at large.

By law, land proprietors must install and maintain fences to secure their fields. The act also requires them to install fences sufficient to contain their livestock and prevent them from roaming at large. It applies the statute's existing fence specifications, which vary based on the land's location (i.e., within or outside of incorporated cities).

Lastly, the act establishes a nine-member task force to study enforcement of the law prohibiting dogs and livestock from roaming at large to prevent unwanted interactions between roaming swine and bovines. The task force must report its findings and recommendations to the Environment Committee by January 1, 2025. It ends on that date or when it submits the report, whichever is later.

EFFECTIVE DATE: Upon passage

TASK FORCE

Membership

Under the act, the task force consists of the agriculture commissioner, or his designee, and eight members appointed as follows:

1. two by the House speaker, one with law enforcement expertise and one with livestock expertise;
2. two by the Senate president pro tempore; and
3. one each by the other four legislative leaders.

The appointing authorities must make their initial appointments within 30 days after the act's passage and fill any vacancies that arise.

Chairpersons and Meetings

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

Staff

The administrative staff of the Environment Committee must be the task force's administrative staff.

PA 24-123—HB 5350
Environment Committee
Public Safety and Security Committee

AN ACT CONCERNING THE ENFORCEMENT OF BOATING LAWS ON BODIES OF WATER NEAR THE RHODE ISLAND, MASSACHUSETTS AND NEW YORK BORDERS

SUMMARY: This act grants people authorized to enforce boating laws (e.g., environmental conservation officers and patrolmen) the power to make arrests on any part of waters lying between Connecticut and a neighboring state for violations and bring the violator to trial in the state where the violation happened. However, they may only exercise this cross-border authority if Massachusetts, New York, or Rhode Island enacts a similar law. Existing law grants this arrest authority when enforcing fish and game laws under the same conditions.

EFFECTIVE DATE: Upon passage

PA 24-124—HB 5352
Environment Committee

AN ACT CONCERNING MINOR REVISIONS TO THE TIRE STEWARDSHIP PROGRAM

SUMMARY: PA 23-62 requires the establishment of a statewide stewardship program to manage discarded tires. Among other things, by January 1, 2025, tire producers must join a stewardship organization and submit a plan to implement the program to the Department of Energy and Environmental Protection (DEEP) for its approval. This act makes several changes to the law that established the program.

First, the act expands the programs' operational requirements to include ensuring, if technologically feasible and

economically practical, that all tire collectors and processors are (1) qualified to perform their responsibilities under the program and (2) in substantial compliance with the laws and regulations of any state where they operate (e.g., financial assurance or closure plan requirements) (see BACKGROUND).

The act allows DEEP to approve a tire stewardship plan with conditions when it disapproves a resubmitted plan, instead of only modifying it to meet the law's requirements. It also gives the stewardship organization an additional 60 days to implement the program.

The act allows the organization to hold additional funds by eliminating the cap on its financing system for the program. Prior law required the financing system to cover, and not exceed, the costs to (1) develop the plan, (2) operate and administer the program, and (3) keep a financial reserve sufficient to operate the program for six months. The act removes the limitation on exceeding these costs.

Lastly, the act reduces the maximum fee that DEEP may assess a stewardship organization for administration costs from 10% of the total program costs to 5%.

EFFECTIVE DATE: Upon passage

TIRE STEWARDSHIP PLAN

By law, a tire stewardship organization must submit its program plan to DEEP for approval. The law sets out the timeline for reviewing the plan and a process for resubmitting it if DEEP disapproves it.

Prior law required DEEP to modify a resubmitted plan to conform with the law's requirements and approve it if the organization failed to provide an acceptable plan within the resubmission timeframe and process. The act gives DEEP an alternative of approving the plan with conditions, which must be identified in a notice of determination given to the organization. After receiving the notice, the organization has 45 days to comply with the conditions, unless DEEP determines that more time is necessary.

The act also increases the time a stewardship organization has to begin implementing its program after DEEP approves the plan, from within 120 to 180 days.

BACKGROUND

Program Operational Requirements

By law, the tire stewardship program must, to the extent that it is technologically feasible and economically practical, establish and manage a statewide collection system for tires and provide for the following:

1. free public access to the collection system (i.e., drop-off);
2. suitable storage containers for tires, as needed, throughout the collection system;
3. public promotion and education about the program;
4. market development, as needed, to meet performance goals; and
5. financing program activities only with producer funding.

The program must also ensure that discarded tires are (1) picked up from the collection system and transported for recycling and (2) resold or recycled (CGS § 22a-905i).

PA 24-133—HB 5353
Environment Committee
Judiciary Committee

AN ACT CONCERNING THE GAS CYLINDER STEWARDSHIP PROGRAM

SUMMARY: PA 22-27 established a framework for a statewide stewardship program to collect discarded gas cylinders, to which this act makes several changes.

First, prior law required, by October 1, 2025, all gas cylinder producers to be part of an approved and implemented stewardship program. The act instead requires producers to be part of an approved plan by October 1, 2024, and that a program be implemented by that October 1, 2025, date.

Prior law limited civil enforcement of the gas cylinder stewardship law in court to actions by the Department of Energy and Environmental Protection (DEEP) and the state attorney general. In these cases, the act allows the court to assess a civil penalty on producers of up to $25,000 per offense, with each violation being a separate offense. The act also gives a gas cylinder stewardship organization that implements an approved stewardship plan a private right of action for damages

against a noncompliant producer under certain circumstances.

Lastly, existing law requires DEEP to annually report to the Environment Committee on its efforts to address producer noncompliance. Prior law required the report to include a list of noncompliant producers. The act instead requires it to have a list of compliant ones that is based on information from the stewardship organizations.

EFFECTIVE DATE: Upon passage

PRIVATE RIGHT OF ACTION

Under the act, a private right of action can be brought when a (1) stewardship organization incurs more than $500 in actual costs to manage gas cylinders the defendant producer supplied, sold, or offered for sale in the state and (2) defendant producer, or the stewardship organization to which it belongs, is noncompliant with the gas cylinder stewardship law.

The damages available to the organization are (1) the actual costs to manage (i.e., collection, education, handling, recycling, approved disposal, and administrative overhead) cylinders reasonably identified as coming from another gas cylinder producer or gas cylinder stewardship organization and (2) reasonable attorney's fees and costs from bringing the action.

The act allows a gas cylinder stewardship organization to bring the action regardless of whether it informed DEEP of the defendant's noncompliance.

PA 24-46—sHB 5491
Finance, Revenue and Bonding Committee

AN ACT ESTABLISHING A PROPERTY TAX EXEMPTION FOR VETERANS WHO HAVE A SERVICE-CONNECTED PERMANENT AND TOTAL DISABILITY RATING

SUMMARY: This act fully exempts from property tax a primary dwelling or motor vehicle for each former member of the armed services (i.e., veteran) who has a permanent and total disability rating (often referred to as "P&T rating"). Under existing law, veterans who have disability ratings of at least 10% are eligible for a partial property tax exemption. Those who have a 100% disability rating (regardless of whether it is permanent) are eligible for an exemption of at least $3,500. They are also eligible for an income-based exemption, which may be state-reimbursed when given to lower-income individuals (see BACKGROUND). (The act does not require the state to reimburse municipalities for the P&T rating exemption.)

The act generally extends to the P&T rating exemption the same eligibility criteria and application process that apply to the existing disability rating-based exemption. To qualify, the veteran must (1) have served in the U.S. Army, Navy, Marine Corps, Coast Guard, Air Force, or Space Force; (2) reside in this state; and (3) file for the exemption with the town assessor as the act requires. The exemption may be transferred to a veteran's spouse or minor children in certain circumstances.

The act also makes minor and conforming changes.
EFFECTIVE DATE: October 1, 2024, and applicable to assessment years starting on or after that date.

ELIGIBLE PROPERTY

Under the act, the full exemption applies to either (1) a primary dwelling the veteran owns, which may include a condominium or unit in a common interest community, or (2) one motor vehicle kept in this state, if the veteran does not own a dwelling.

TRANSFERABILITY TO SPOUSES AND CHILDREN

Under the existing exemption and the act, if the veteran does not own sufficient property (a house or car, under the act) to use the exemption, the veteran's spouse may claim it if they live together. If the qualifying veteran dies, his or her minor children (with property held in trust for them) or unmarried surviving spouse may claim it while still a minor or unmarried, respectively.

LIMITATION ON MULTIPLE EXEMPTIONS

Under existing law and the act, those who qualify for both a disability rating-based exemption and specified other exemptions may generally only receive one. This restriction applies to exemptions for (1) wartime service or military retirements after 30 years, (2) surviving spouses and minor children of veterans who died, (3) surviving spouses who receive federal compensation, (4) parents of veterans or deceased service members with wartime service, and (5) service members' parents who receive federal compensation.

LOCAL OPTION EXEMPTION FOR SPECIALLY ADAPTED MOTOR VEHICLES

By law, municipalities may additionally exempt the value of a specially adapted vehicle, or a percentage of its value, for veterans who qualify for the existing disability rating-based exemption. The act correspondingly allows them to provide this additional exemption for veterans receiving the P&T rating exemption, but prohibits more than one motor vehicle exemption.

ELIGIBILITY FOR THOSE WITH RATINGS LESS THAN P&T

If a veteran qualifies for a P&T rating exemption under the act, but his or her rating is later modified to one that is not permanent or total, the veteran may still qualify for the other disability-based exemption. Conversely, if a veteran's disability rating qualified him or her for the existing disability-based exemption, but the rating is later changed to a P&T rating, the veteran may apply for the P&T disability exemption under the act.

BACKGROUND

Exemption for Disability Ratings

By law, municipalities must give eligible veterans who have a disability rating of at least 10% a property tax exemption consisting of (1) a "base amount" that correlates to the veteran's disability rating; (2) an income-based exemption, the amount of which depends on whether the veteran's income is above or below a statutorily set threshold; plus (3) $10,000 if the veteran has certain, specified injuries (e.g., total blindness or the loss of both arms or legs) or $5,000 for the loss of use of one arm or leg (CGS § 12-81(20) & (21)).

For a veteran with a 100% disability rating, the base amount is $3,500. If the veteran's income is $18,000 or less (or $21,000 or less if married), the income-based exemption amount equals twice the base amount ($7,000). If the veteran's income is above the threshold, it equals one-half the base amount ($1,750) (CGS § 12-81g(a)). The state must generally reimburse municipalities for income-based exemptions they give to veterans with incomes below the threshold (CGS § 12-81g(e)).

By law, municipalities must increase these exemption amounts after revaluations that increase their grand lists by a certain amount (CGS § 12-62g) and they may provide higher income-based exemptions for individuals with a 100% disability rating (e.g., CGS § 12-81g(b)).

PA 24-91—sHB 5002
Finance, Revenue and Bonding Committee

AN ACT CONCERNING EARLY CHILDHOOD CARE AND EDUCATION

TABLE OF CONTENTS:

§ 7 — OEC DEVELOPMENTAL MILESTONES DOCUMENT

Exempts child care centers and homes that exclusively serve school-age children from the requirement to post a copy of an OEC-developed developmental milestones document in the center or home

§§ 8-9, 11 & 12 — CARE 4 KIDS

Expands the Care 4 Kids protective service class to include children under the care of a caregiver who receives subsidies under the subsidized guardianship program; repeals the Care 4 Kids program regulations and instead requires the OEC commissioner to (1) administer the program by implementing the federal Child Care Development Fund program's regulations and (2) develop policies and procedures necessary to do so

§ 10 — BIRTH-TO-THREE SERVICES

Requires child care centers to allow a child with an individualized family service plan who is eligible to receive Birth-to-Three services to receive them on-site at a child care center or home

§§ 1-2 & 13 — EARLY CHILDHOOD CARE AND EDUCATION FUND

Renames the Early Childhood Education Fund created in the FY 24-25 budget act as the Early Childhood Care and Education Fund; establishes a framework for the fund's deposits and investments and the state treasurer's authority and powers on behalf of the fund; creates a 23-member advisory commission within the Legislative Department to, among other things, review and report on the fund's financial health and status and prepare a five-year plan for its expenditures

Fund Requirements (§ 1)

This act renames the Early Childhood Education Fund created in the FY 24-25 budget act as the Early Childhood Care and Education Fund. As under prior law, the act requires the Early Childhood Care and Education Fund to contain any money required or allowed by law to be deposited in it, including funds received from public or private contributions, gifts, and grants. The act explicitly allows it to contain federal, state, or local grants, and additionally allows it to contain any earnings until they are disbursed according to the act.

The act requires the fund's deposits to be used solely to support the state's early childhood education and child care needs. They are not state property, cannot be combined with state funds, and the state has no claim on them. The fund is not a state department, institution, or agency. It must continue to exist as long as it has deposits or obligations and until terminated by law.

Under the act, any contract entered into by the fund, or any obligation of the fund, is not a state debt or obligation, and the state has no obligation on account of the fund. Amounts that must be paid from the fund are limited to the amount deposited there that is available for the payments.

Treasurer's Authority and Powers (§ 1)

The act eliminates the requirement that the comptroller establish the fund and instead authorizes the treasurer, on the fund's behalf and to carry out its purposes, to do the following:

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

Investments (§ 1)

The act requires the state treasurer to (1) invest the fund's deposits in a reasonable way to achieve its objectives; (2)

exercise a prudent person's care and discretion; and (3) consider such things as rate of return, risk, maturity, portfolio diversification, liquidity, projected disbursements and expenditures, and expected deposits and other gifts.

Under the act, the state treasurer need not require the fund to invest in state or municipal bonds or other funds he administers. The fund's assets must be continuously invested and reinvested, consistent with the fund's objectives, until they are disbursed by the comptroller as the act allows.

Advisory Commission (§§ 2 & 13)

Membership and Administration. The act creates a 23-member Early Childhood Care and Education Fund Advisory Commission within the Legislative Department to (1) review and report on the fund's financial health and status, (2) submit and update a five-year plan to the legislature on fund expenditures that would best support the state's early childhood education and child care needs, and (3) recommend legislative changes to further the fund's purposes. Under the act, the commission consists of the 14 appointed members shown in the table below; the chairpersons and ranking members of the Finance, Revenue and Bonding Committee; and the following state officials or their designees: the Office of Policy and Management (OPM) secretary, state treasurer, state comptroller, and early childhood and education commissioners.

Early Childhood Care and Education Fund Advisory Commission

Appointing Authority	*Number of Appointments*	*Appointee's Qualifications*
House speaker	3	One member of the Office of Early Childhood's (OEC) parent cabinet who is a parent One early childhood teacher One General Assembly member
Senate president pro tempore	3	One who operates or represents a home-based child care services provider in Connecticut One parent of a child receiving Birth-to-Three services One General Assembly member
House majority leader	2	One who represents an early childhood education program operator in Connecticut One Early Childhood Cabinet member who represents a family resource center
Senate majority leader	2	One Early Childhood Funder Collaborative member who represents a philanthropic organization engaged in early childhood education or child care issues in Connecticut One Early Childhood Cabinet member who represents OEC's Connecticut Head Start State Collaboration Office
House minority leader	2	One who represents a non-home-based child care services provider in Connecticut One Early Childhood Cabinet member who is an OEC representative who administers the Childhood Care and Development Fund
Senate minority leader	2	One who represents a corporation with a significant physical presence in Connecticut that employs people who may benefit from early childhood education and state child care initiatives One OEC representative who administers the federal Individuals with Disabilities Education Act (IDEA) Part C program

Under the act, appointed members serve at the pleasure of, and coterminous with, their appointing authority. To the extent practicable, appointing authorities must appoint members to ensure that the state's geographic areas are represented. They must also fill any vacancies, and those occurring other than by term expiration must be filled for the remainder of the unexpired term.

The commission is chaired by (1) the state comptroller and (2) two General Assembly members appointed by the House speaker and Senate president pro tempore. The chairpersons must schedule and hold the first meeting by August 3, 2024. The commission must meet as often as the chairpersons or a majority of its members deem necessary, and a majority of members constitutes a quorum.

Members are considered to have resigned from the commission if they miss three consecutive meetings or 50% of the meetings held during any calendar year.

The act requires the Finance, Revenue and Bonding Committee's administrative staff to serve as the advisory commission's administrative staff.

Travel Expenses and Stipend. Members generally serve without compensation but must be reimbursed for necessary travel expenses, within available funds. The exception is for the following commission members who, within available funds, are eligible for a $25 per hour stipend for each hour (or part of an hour) that they attend a commission meeting:

1. parent member of OEC's parent cabinet,
2. parent of a child receiving Birth-to-Three services,
3. early childhood teacher, and
4. representatives of an early childhood education program operator and home- and non-home-based child care services providers if they are employees of the respective operator or provider and (except for the home-based child care services provider representative) paid hourly.

Under the act, the travel time to and from the meeting does not count towards the stipend. Eligible members must submit a request to the Office of Legislative Management's executive director, as he requires, to receive the travel expenses or stipend. They must provide any documentation the executive director requires to substantiate the requested amount.

Powers and Duties. The act authorizes the commission to do the following:

1. review and monitor the Early Childhood Care and Education Fund to assess its financial sustainability;
2. get the help and data it needs to carry out its purposes from any executive department, board, commission, or state agency; and
3. do anything else necessary and appropriate to carry out its duties.

Reporting Requirement. Annually, starting by January 1, 2026, the commission must report to the Appropriations; Finance, Revenue and Bonding; Education; and Children's committees on the Early Childhood Care and Education Fund's financial health and status. The report must include:

1. the amount deposited in the fund and whether it is sufficient to achieve the fund's purposes,
2. actual or expected disbursements for the applicable fiscal year,
3. the fund's investments' rates of return, and
4. any recommendations for policy changes and statutory changes to further the fund's purposes.

By January 1, 2026, the commission must also submit to these same committees a five-year plan for the fund's expenditures that would best support the state's early childhood education and child care needs. In developing this plan, the commission must consider (1) reports on the state of these needs in Connecticut and kindergarten readiness and (2) best practices in other states. It must update and submit this plan to these committees at least annually.

The act also eliminates the requirement that the OEC commissioner annually report to the legislature on the prior Early Childhood Education Fund and the Blue-Ribbon Panel on Child Care's recommendations (§ 13).

Public Hearing. Beginning with FY 26, the commission must annually hold a public hearing on the state of the fund and of early childhood education and child care in the state.

EFFECTIVE DATE: Upon passage

§ 3 — TRI-SHARE CHILD CARE MATCHING PROGRAM

Requires OEC, within available appropriations, to establish a Tri-Share Child Care Matching Program serving New London County in which child care costs are shared equally between participating employers, employees, and the state

Program Duration and Administrator

The act requires OEC, within available appropriations, to create a Tri-Share Child Care Matching Program for New London County in which child care costs are shared equally between participating employers, employees, and the state. The program must run for at least two years and be administered by a regional or statewide organization selected by OEC. The administrator must:

1. set the program's eligibility criteria for employers and employees (although the act sets specific criteria as described below) and recruit employers to participate;
2. ensure that the child care facilities receiving program funds are state-licensed and disburse funds to the appropriate providers;
3. collect and ensure timely payment from the state and participating employers and employees;
4. coordinate adequate communication between all parties; and
5. collect and submit data to OEC on participating employees (e.g., their annual household income), as long as this data is deidentified.

OEC must enter into an agreement with its chosen administrator to perform these duties. This agreement must at least include:

1. a provision that the administrator must receive, for its administrative costs, up to 10% of the funds the state allocates to the program;
2. a requirement that the administrator not commingle program funds with any other funds it holds or controls, other than those it receives for administrative costs;
3. any restrictions or prohibitions on disclosing data the administrator received or collected on participating employees; and
4. penalties for violating any provision of the agreement or the act's Tri-Share program provisions.

Eligibility Criteria

To participate in the program, employers must have a physical facility in New London County that is its employees' principal workplace. Employees must:

1. be employed by a participating employer,
2. live in Connecticut,
3. have a principal workplace in New London County, and
4. not be receiving other public assistance for child care costs.

Reporting Requirement

The act requires the OEC commissioner, beginning with the fiscal year immediately following the program's first year, to annually report on the program to the Appropriations; Finance, Revenue and Bonding; Education; and Children's committees. The report must at least include:

1. for the immediately preceding fiscal year, the (a) number of participating employers and employees and (b) amounts the administrator disbursed for child care costs and retained for administrative costs;
2. the percentage of participating employees whose household incomes are below the asset limited, income constrained, employed population threshold calculated in the United Way of Connecticut's most recent ALICE report (see *Background — ALICE Threshold*); and
3. the commissioner's recommendations for programmatic or legislative changes to improve the program or further its purposes.

Background — ALICE Threshold

The United Way's ALICE (i.e., asset limited, income constrained, and employed) threshold represents the minimum income level needed for a household to afford an estimated minimum budget (i.e., the ALICE household survival budget). The threshold is adjusted for household size and composition for each county.

EFFECTIVE DATE: July 1, 2024

§ 4 — WAGE SUPPLEMENT PAYMENT PROGRAM

Requires OEC, for FY 25, to set up and administer a wage supplement payment program that provides one-time payments of at least $1,800 to eligible early childhood education teachers and teacher assistants; requires OEC to use $9 million of its FY 25 General Fund appropriation for Early Care and Education used for school readiness and child day care purposes for the payments

Wage Supplement Payments

The act requires OEC to set up and administer a wage supplement program for FY 25 that gives eligible early childhood teachers and teacher assistants a one-time wage supplement payment of at least $1,800. Under the act, OEC must provide these payments on a first-come, first-served basis, up to the amount made available for the payments, and award all eligible applicants the same payment amount. To make the payments, the act requires OEC to use $9 million of its FY 25 General Fund appropriation for Early Care and Education used for school readiness and child day care purposes.

Eligible Applicants

To qualify for the wage supplement payment, early childhood teachers and teacher assistants must be in a state-funded school readiness program or state-funded child care program. "Early childhood teachers" must have primary responsibility for a classroom of children for at least 50% of their assigned time, while "teacher assistants" must have a primary duty to assist an early childhood teacher in providing early childhood care or as part of a school readiness program. Both must be regularly scheduled and have been employed in these respective capacities for at least six months at the time of the application.

Application Process

The OEC commissioner must determine (1) the application period and process for eligible applicants to register for a wage supplement payment and (2) how to spread information about the program to best achieve the act's purposes. OEC must review the submitted applications, confirm each applicant's eligibility, and, within 30 days after receiving an application, notify applicants of whether or not they were approved and, if they were not approved, the reason why.

Income or Asset Disregard

Under the act, to the extent federal law allows, the wage supplement payments are not considered income or assets for determining eligibility for any state-administered public assistance program, including any HUSKY program.

Legislative Report

The OEC commissioner must report on the program by October 1, 2025, to the Appropriations; Finance, Revenue and Bonding; Education; and Children's committees. The report must at least include (1) the number of eligible early childhood teachers and teacher assistants that applied and were approved for a payment, (2) the payment amounts to each group and in total, and (3) a recommendation for whether the program should be expanded or extended.
EFFECTIVE DATE: Upon passage

§ 5 — SURPLUS LAND FOR EARLY CHILDHOOD CARE AND EARLY CHILDHOOD EDUCATION PROGRAMS

Requires the OEC commissioner to notify the OPM secretary if certain surplus state property can be used for early childhood care and education programs

By law, the OPM secretary must notify all state agencies when surplus state property is available, and specified commissioners (e.g., commissioners of economic and community development, transportation, and housing) must determine and notify the secretary if the property can be used for certain agency-specific purposes. The act adds the OEC commissioner to this group by requiring her to notify the OPM secretary if the surplus property can be used for early childhood care and early childhood education programs. If she determines the agency can use the property, the act requires her to submit a plan describing the proposed use for the secretary's review, as the other commissioners must already do under existing law (CGS § 4b-21).
EFFECTIVE DATE: July 1, 2024

§ 6 — OEC LIABILITY INSURANCE COVERAGE DOCUMENT FOR CHILD CARE CENTERS

Requires the OEC commissioner to develop a document for child care centers and homes explaining the benefits of maintaining liability insurance coverage and the potential consequences of not doing so; requires the document to be electronically distributed to child care facilities

The act requires the OEC commissioner, by December 1, 2024, to develop a document for child care centers and homes explaining the benefits of maintaining liability insurance coverage and the potential consequences of not doing so. The OEC commissioner must (1) develop this document in consultation with a nonprofit organization that provides entrepreneurial and financial education services to women and (2) electronically distribute the document to licensed child care centers, group child care homes, and family child care homes each year, starting by January 1, 2025.
EFFECTIVE DATE: Upon passage

§ 7 — OEC DEVELOPMENTAL MILESTONES DOCUMENT

Exempts child care centers and homes that exclusively serve school-age children from the requirement to post a copy of an OEC-developed developmental milestones document in the center or home

Existing law requires child care centers and group or family child care homes to post a copy of an OEC-developed document (1) listing key developmental milestones for children from birth to age five and (2) informing parents or guardians that they may access the OEC Child Development Infoline for information on appropriate services if they are concerned that their child is not meeting milestones.

Beginning July 1, 2024, the act exempts centers that exclusively serve school-age children from this requirement.
EFFECTIVE DATE: July 1, 2024

§§ 8-9, 11 & 12 — CARE 4 KIDS

Expands the Care 4 Kids protective service class to include children under the care of a caregiver who receives subsidies under the subsidized guardianship program; repeals the Care 4 Kids program regulations and instead requires the OEC commissioner to (1) administer the program by implementing the federal Child Care Development Fund program's regulations and (2) develop policies and procedures necessary to do so

Protective Service Class (§ 8)

By law, the OEC commissioner may institute a protective service class in which she may waive Care 4 Kids eligibility requirements for certain at-risk populations that meet guidelines she sets and OPM reviews. The act expands this class to include children under the care of a caregiver who receives subsidies through the Department of Children and Families' subsidized guardianship program and extends eligibility to them for up to one year from the date their subsidy is approved. By law, these at-risk populations also include (1) certain foster care children, (2) certain newly adopted children, and (3) homeless children.

Regulations, Policies, and Procedures (§§ 9 & 11-12)

The act repeals the Care 4 Kids program regulations and the commissioner's authority to adopt them. Instead, it requires the OEC commissioner to administer the program by implementing the requirements of the federal Child Care Development Fund (45 C.F.R. § 98) and develop policies and procedures necessary to implement these federal requirements. The federal Child Care Development Fund funds the Care 4 Kids program.

The act also requires the secretary of the state to correspondingly update the official online compilation of state regulations by October 1, 2024.
EFFECTIVE DATE: July 1, 2024

§ 10 — BIRTH-TO-THREE SERVICES

Requires child care centers to allow a child with an individualized family service plan who is eligible to receive Birth-to-Three services to receive them on-site at a child care center or home

The act requires licensed child care centers and group or family child care homes to allow a child who is eligible for Birth-to-Three and who has an individualized family service plan to receive early intervention services at the child care center or home from the provider designated in the plan.

By law and under the act, individualized family service plans are written plans to deliver early intervention services to an eligible child and the child's family. These services must, among other things, be (1) delivered under public supervision, (2) selected in collaboration with the parents, and (3) designed to meet the infant's or toddler's developmental needs and the family's needs in certain areas (34 C.F.R. § 303.13(a)).
EFFECTIVE DATE: July 1, 2024

PA 24-1—sSB 132
General Law Committee

AN ACT CONCERNING DOG RACING

SUMMARY: This act repeals the statutes authorizing dog tracks and dog racing in Connecticut, but explicitly allows off-track betting operators to conduct betting on out-of-state dog races. Prior law generally prohibited the Department of Consumer Protection from issuing any new licenses to conduct dog racing.

The act makes numerous conforming changes, including repealing provisions on the (1) tax and takeout rates for bets at dog racing facilities, (2) fees imposed on dog races to fund chronic gambling rehabilitation programs, and (3) bans on smoking and vaping at dog racetracks. It also makes technical changes.
EFFECTIVE DATE: October 1, 2024

BACKGROUND

Dog Racing

There has not been an active dog racetrack in the state since 2006. Plainfield Greyhound Park, the state's first track, opened in 1976 and closed in 2005. A state jai alai facility in Bridgeport was converted into the Shoreline Star greyhound racing facility in 1995. The racetrack closed in 2005, but the facility was renamed Winners Shoreline Star and operated simulcast wagering until 2021 on horse races, greyhound races, and jai alai.

PA 24-54—sSB 199
General Law Committee

AN ACT REQUIRING ONLINE PREVENTION EDUCATION FOR ELECTRONIC NICOTINE DELIVERY SYSTEM DEALER REGISTRATION

SUMMARY: This act requires the Department of Mental Health and Addiction Services (DMHAS) to administer an online prevention education program for authorized owners and designees of businesses registered or seeking registration to sell electronic nicotine delivery systems and vapor products ("e-cigarettes"). DMHAS must begin administering the program by October 1, 2024.

The act prohibits the Department of Consumer Protection from issuing new or renewed e-cigarette dealer registrations unless applicants certify that the authorized owner or named designee of that business has completed the online prevention training program.

The act requires applicants for dealer registrations or renewals to include the following in their applications, in addition to the information already required:

1. the name and contact information of the authorized owner,
2. the name of a manager or supervisor who will be physically present at the business location, and
3. certification that an authorized owner or designee has completed the online prevention education program.

By law, applicants must already provide the name, address, and email address of the applicant and the location of the business to be operated under the dealer registration.

It also makes technical and conforming changes.
EFFECTIVE DATE: Upon passage, except October 1, 2024, for the provisions on the issuance of dealer applications and registrations.

PA 24-73—sSB 133
General Law Committee

AN ACT CONCERNING REGULATION OF PRESCRIPTION DRUGS AND RELATED PROFESSIONS

SUMMARY: This act makes various changes to laws on pharmacies and pharmacists. It establishes the advanced pharmacy technician and clerk occupational categories and sets certain parameters for their allowable duties.

The act authorizes pharmacists and advanced pharmacy technicians to dispense to patients their prescription drugs in compliance packaging (generally, packaging that separates drugs into individual compartments by dose). Under the act, pharmacies that provide compliance packaging must meet certain requirements, including keeping records on dispensed drugs and patients.

The act also allows for the redispensing of pharmaceutical drug compliance packaging if the prescriber modifies the prescription, subject to certain requirements. This includes the requirement to return any drugs removed from compliance packaging to the patient with directions on how to properly dispose of the drugs.

The act makes it a punishable offense for pharmacists, pharmacy operators, pharmacy interns, and pharmacy technicians to return any drug that has been sold or delivered to a patient to the pharmacy's general inventory or regular drug stock (unless otherwise allowed or required by law). Existing law prohibits returns of drugs exposed to possible contamination or substitution.

The act allows individuals enrolled in pharmacy technician education programs to engage in pharmacy technician duties if they are directly supervised by a pharmacist who is an instructor in the program.

The act allows pharmacists to order and prescribe, not just administer, vaccines for certain patients, and applies this authority to all federally approved vaccines on the Centers for Disease Control and Prevention's (CDC) age-appropriate immunization schedule. It allows pharmacists to delegate to advanced pharmacy technicians (1) authority to administer these vaccines, as well as COVID-19, influenza, and HIV tests, and (2) the responsibility to conduct final verification checks of prescriptions and administer vaccines as well as COVID-19, influenza, and HIV related tests.

The act establishes a task force to study the impact of unannounced retail pharmacy closures.

The act also makes minor, technical, and conforming changes, such as certain minor changes to definitions under the state's pharmacy laws.

EFFECTIVE DATE: October 1, 2024, except that (1) a conforming change is effective July 1, 2025 (§ 8), and (2) the task force provisions are effective upon passage (§ 11).

§§ 1, 2, 7 & 8 — ADVANCED PHARMACY TECHNICIANS

The act establishes the advanced pharmacy technician occupational category. It prohibits pharmacy technicians from performing this occupational category's duties without getting an advanced pharmacy technician designation from the Department of Consumer Protection (DCP) commissioner. To get the designation, a person must:

1. submit a completed application and pay a $25 fee;
2. be an actively registered and qualified pharmacy technician;
3. have been registered as a pharmacy technician for the three-year period immediately before applying;
4. have continuously held a certification from the Pharmacy Technician Certification Board, or equivalent certification program approved by DCP, for the three-year period immediately before applying, and keep that certification in good standing;
5. have successfully completed an educational course accredited by a nationally recognized accreditation body within one year before initially applying (or a course the commissioner deems equivalent);
6. have successfully completed a competency assessment proctored by a pharmacist in keeping with requirements to be set by the commissioner;
7. be employed by a pharmacy (including institutional pharmacies) that satisfies certain supervisory and staffing requirements (see below); and
8. work under the direct supervision of a licensed pharmacist or be supervised by a pharmacist using electronic technology or telepharmacy capabilities, or in any manner approved by the commissioner or pharmacy commission.

An advanced pharmacy technician designation is valid for one year and may be renewed for successive one-year periods for a $25 fee (in addition to the $50 technician fee).

An advanced pharmacy technician's duties may include, among other things, dispensing or redispensing to patients compatible drugs in compliance packaging (see § 4 below).

Delegation of Responsibilities to Advanced Pharmacy Technicians

Under the act, pharmacists that directly supervise advanced pharmacy technicians may delegate their authority to:

1. perform final verifications of prescriptions (the last review to verify the dispensed product conforms to the prescription issued by the prescribing practitioner, including comparing the prescription, label, and contents of the container) if certain requirements are met (see below) and
2. administer vaccines and COVID-19, influenza, and HIV-related tests (see §§ 9 & 10 below).

The act prohibits pharmacists from similarly delegating (1) their authority to present COVID-19, influenza, and HIV-related test results to patients or (2) any discretionary decision-making authority concerning the propriety of any drug in relation to a patient's medical condition or treatment plan.

Supervisory and Staffing Requirements

Under the act, a pharmacy that employs an advanced pharmacy technician must:

1. use bar codes or a DCP-approved technology to help dispense drugs and confirm accurate dispensing and
2. keep the on-site ratio of advanced pharmacy technicians to pharmacists providing direct supervision at no more than 1:1, unless authorized by the DCP commissioner or the pharmacy commission.

Advanced pharmacy technicians do not count towards the existing 3:1 ratio of pharmacy technicians to supervising pharmacists.

Under the act, at most pharmacies, advanced pharmacy technicians may not perform final verifications unless the advanced pharmacy technician uses a technology that includes images of each type of drugs. Institutional pharmacies (e.g., hospitals) employing advanced pharmacy technicians instead must use bar code scanning (or another DCP-approved method) at the point of administration to the patient to confirm the correct drugs have been dispensed.

Regulations

The act requires the DCP commissioner to adopt implementing regulations that at least set (1) performance requirements for the competency assessment required for designation as an advanced pharmacy technician, (2) ratios of pharmacists to advanced pharmacy technicians, and (3) additional requirements for advanced pharmacy technician duties.

§§ 3, 7 & 8 — PHARMACY CLERKS

The act establishes the clerk occupational category. It prohibits anyone from working in an area of a pharmacy where controlled substances or other prescription drugs are dispensed by pharmacists (or dispensed under their supervision) unless the person is a registered clerk or already registered with or licensed by DCP as another category of pharmacy professional. For institutional pharmacies, places outside the area commonly known as the pharmacy, including patient care areas or automated prescription dispensing machines, are excluded. Clerks do not include people who are employed or contracted by a pharmacy only to deliver drugs to patients off the pharmacy premises.

To become registered as a clerk, an applicant must apply to DCP and satisfy any registration requirements set by DCP regulations (see below). A clerk's registration is valid for two years and may be renewed for successive two-year periods. The initial registration and renewal fee is $25.

The act prohibits DCP from refusing to issue a clerk registration or renewal because the applicant has been convicted of a felony, except as allowed under existing standards in law (based on factors such as the nature of the crime and the time since the conviction or release).

Under a pharmacist's direct supervision, clerks may:

1. handle dispensed drugs and deliver them to patients;
2. collect patient demographic information;
3. collect a prescription number for a refill;
4. deliver a drug to an automated prescription dispensing machine or other care-giving area within a caregiving, correctional, or juvenile training institution;
5. perform cashier duties;
6. manage inventory;
7. return to stock any product used to fill a prescription but not sold to a patient; and
8. perform any other duties set in DCP regulations.

The act prohibits clerks from:

1. reviewing any drug to determine if it is an appropriate treatment;
2. verifying the accuracy of the prescription, the prescription label or container contents, or the prescription data entered into an electronic data processing system used by a pharmacy;
3. performing any task that requires professional pharmaceutical judgment; or
4. participating in order entry (generally, entering prescription data into the pharmacy's electronic data processing system).

Clerks must also not be involved in the dispensing process or preparing a prescription for final verification.

The act authorizes the DCP commissioner to establish regulations that include among other things, creating additional requirements for clerk registration.

§ 4 — COMPLIANCE PACKAGING

The act authorizes pharmacists and advanced pharmacy technicians to dispense compatible drugs in compliance packaging, at the patient's (or their representative's) or prescribing practitioner's request. Compliance packaging is packaging prepared at a pharmacy that separates drugs into individual compartments or containers according to their directions for use and when they are to be taken.

Reusable Components, Multiple Drugs, and Repackaging

Under the act, if a patient's prescribing practitioner changes a prescription, the pharmacy that first dispensed the drugs to the patient in compliance packaging may (1) accept the compliance packaging from the patient or representative, (2) receive and remove any drugs contained in it and redispense the drugs to the patient (including in compliance packaging), and (3) dispense any compatible drugs newly prescribed to the patient in redispensed compliance packaging. The pharmacy may do so upon request from the patient, their representative, or the prescribing practitioner, and the pharmacy must document the change in writing.

The act requires any pharmacy that accepts compliance packaging returned under these provisions to do so only to (1) dispense to the patient any newly prescribed compatible drugs and (2) redispense to the patient any drugs in the returned packaging in the same quantities that were contained in the returned packaging.

The act requires each pharmacy that redispenses drugs in returned compliance packaging to redispense the prescribed drugs to the patient in (1) compliance packaging that only includes drugs prescribed to the patient or (2) a separate container that is properly labeled.

If a pharmacy accepts returned compliance packaging with drugs that have been deprescribed, discontinued, or deemed inappropriate for inclusion in compliance packaging, the pharmacy must redispense them to the patient in a separate container or containers that (1) include no more than one drug type or dosage and (2) have a label that includes the patient's name, the original prescription's serial number, the drug's name, the dosage form, the quantity of redispensed drugs, and instructions for the use or disposal of the drugs. These instructions must include the procedures to lawfully destroy the drugs at home and the nearest location permitted to accept prescription drugs for destruction.

Under the act, any drugs that were previously in compliance packaging and returned to the pharmacy cannot be returned to the pharmacy's general inventory or regular stock, unless otherwise permitted or required by law.

The act requires compliance packaging to:

1. only contain individual compartments that are tamper-evident;
2. only contain drugs currently prescribed to a single patient by their prescribing practitioner and dispensed or redispensed to that patient by a pharmacist or an advanced pharmacy technician;
3. be labeled or relabeled by a pharmacist under existing requirements (except the packaging only needs to include one warning sticker or label for opioid drugs, not one for each individual compartment);
4. be child-resistant unless the patient acknowledges that it is not and signs a waiver;
5. identify on each individual compartment the name and strength of any drug it contains;
6. not contain more than a 90-day supply of any drug (unless otherwise allowed by state or federal law); and
7. comply with the United States Pharmacopeia.

The act allows individual compartments of compliance packaging to contain multiple prescribed drugs if:

1. a pharmacist has determined that all drugs in the compartment are compatible,
2. all drugs in the compartment have the same instructions for time of administration, and
3. the drugs' administration directions are not on an "as needed" basis.

The act prohibits controlled substances from being dispensed in compliance packaging with other drugs, except for other controlled substances of the same type prescribed at different doses.

Standard Operating Procedures

The act requires pharmacies that choose to provide compliance packaging services to maintain an area dedicated to that purpose that contains the equipment necessary to (1) ensure all compliance packaging is accurately prepared, (2) prevent contamination of drugs going into compliance packaging, and (3) maintain standard operating procedures.

The act requires these pharmacies to maintain a set of standard operating procedures for using compliance packaging and associated equipment that covers at least the following:

1. compliance packaging integrity inspections,
2. cleaning,
3. labeling,
4. dispensing and redispensing,
5. proper hand hygiene,
6. quarantine, and
7. handling of dispensed drugs that are removed from compliance packaging and redispensed to patients.

The standard operating procedures also must specify which drugs (1) are not compatible, (2) are suitable to be dispensed or redispensed in compliance packaging, or (3) require special consideration to be dispensed in this way.

Recordkeeping

The act requires pharmacies that provide compliance packaging services to maintain a log (record) of drugs that the pharmacy dispenses to a patient in this packaging. The log must have:

1. the patient's name and address;
2. the compliance package's identification number, if any;
3. the date the package was prepared;
4. the initials of the individuals who prepared the packaging and performed a final verification;
5. the drug's name, strength, lot number, and national drug code number;
6. the prescription's serial number; and
7. a visual description of the dispensed drug.

The act also requires these pharmacies to maintain a record of compliance packages accepted by the pharmacy for return and redispensing to the patient. Each record must contain the:

1. patient's name and address;
2. compliance packaging identification number, if any;
3. date when the pharmacy accepted the compliance package for return and redispensing to the patient;
4. name of the pharmacist or pharmacy technician that documented the return; and
5. name, formulation, and quantity of each drug in the compliance package when it was accepted for return and redispensing, including a designation of any deprescribed drugs in the compliance package.

The act requires these pharmacies to maintain a record of compliance packaging containing drugs that have been redispensed and returned to the patient. Each record must contain the:

1. patient's name and address;
2. compliance packaging identification number, if any;
3. date the compliance packaging was prepared for redispensing;
4. serial number of the prescription for each drug redispensed in the compliance packaging;
5. name, formulation, and quantity of each drug redispensed in the compliance packaging;
6. redispensing pharmacist's name or initials;
7. initials of the person who prepared the compliance packaging for redispensing; and
8. initials of the person who performed a final verification of the compliance packaging for redispensing.

The act also requires pharmacies to maintain a record of all drugs the pharmacy redispenses to a patient in a container other than compliance packaging. Each record must contain the:

1. patient's name and address;
2. date the drug was prepared for redispensing;
3. prescription's serial number;
4. redispensed drug's name, formulation, and quantity; and
5. redispensing pharmacist's name or initials.

The act requires each pharmacy to keep all records required by this section for at least three years. Within 48 hours after a request, pharmacies must give DCP any of these records in electronic form or paper if electronic means is not available.

Regulations

The act allows the DCP commissioner to adopt regulations implementing its provisions on compliance packaging.

§ 5 — CAUSES OF DISCIPLINE FOR PHARMACY PROFESSIONALS

The act allows the Pharmacy Commission to take disciplinary action against pharmacies or certain pharmacy personnel for returning to the general inventory or regular stock any drug sold or delivered to a patient (unless otherwise permitted or required by law). Existing law already allows the commission to take these actions if the person has accepted for return to regular stock any drug already (1) dispensed in good faith or delivered and (2) exposed to possible contamination or substitution.

Under existing law, the possible disciplinary actions include, among other things, (1) refusing to issue or renew, revoking, suspending, or placing conditions on a license to practice pharmacy, a license to operate a pharmacy, a pharmacy intern registration, or a pharmacy technician registration or (2) imposing a civil penalty of up to $1,000.

§ 6 — PHARMACY TECHNICIANS

The act authorizes individuals enrolled in accredited pharmacy technician education programs to engage in pharmacy technician duties as part of the education program if they are under the direct supervision of a pharmacist who is an instructor in that program.

The act requires anyone seeking a pharmacy technician registration to present evidence to DCP that they are qualified to work under a pharmacist's general supervision, instead of direct (in-person) supervision as under prior law.

The act also specifies that DCP, when issuing credentials for pharmacy technicians, does not need the Pharmacy Commission's specific authorization.

§ 9 — ORDERING AND ADMINISTERING VACCINES

Existing law allows pharmacists to administer certain vaccines to (1) adult patients or (2) patients ages 12 to 17 with a legal guardian's consent (or who are emancipated minors). The act additionally authorizes pharmacists to order and prescribe these vaccines for these patients.

It allows them to administer any vaccine approved or authorized by the U.S. Food and Drug Administration and listed on the CDC's age-appropriate immunization schedule, instead of on the adult immunization schedule as under prior law, and additionally allows them to order and prescribe these vaccines. It also specifically allows them to order and prescribe to adult patients other vaccines that they may administer under existing law, including (1) vaccines not on the adult immunization schedule, but with administration instructions available on the CDC website, and (2) vaccines prescribed (verbally or written) by a practitioner for a specific patient.

Under existing law, pharmacists must complete specified training before administering vaccinations.

Additionally, the act allows pharmacists to delegate their authority to administer these vaccines to advanced pharmacy technicians, so long as the technicians administer them under the pharmacist's direct supervision and following related state law and regulations.

It correspondingly authorizes the DCP commissioner to amend existing regulations on pharmacists' vaccine administration to establish additional requirements for delegating this authority to advanced pharmacy technicians and the technicians' administration of the vaccines.

§ 10 — DELEGATION OF AUTHORITY TO ADMINISTER COVID-19, INFLUENZA, AND HIV TESTS

The act allows pharmacists to delegate responsibility for administering COVID-19, influenza, and HIV tests to advanced pharmacy technicians if the technicians (1) complete any training DCP requires for properly administering the tests and (2) administer the tests under a pharmacist's direct supervision, according to related state law and regulations.

However, the act prohibits pharmacists from delegating to advanced pharmacy technicians the responsibility for giving patients their written COVID-19, influenza, or HIV test results that the pharmacists, or their technicians, administer. Existing law requires pharmacists to (1) maintain a record of the written test results for at least three years; (2) notify the patient's primary care provider, if the patient identifies one, local health director for the area where the patient lives, and the Department of Public Health, in the same way as required for reportable diseases; and (3) disclose the results to the DCP commissioner or his designee, upon request.

Currently, if a pharmacist orders and administers an HIV-related test and the result is negative, the pharmacist generally may prescribe and dispense to the patient pre- or post-exposure HIV-related prophylaxis. The act correspondingly allows the pharmacist to do this when a negative test is administered by an advanced pharmacy technician under the pharmacist's direct supervision.

Lastly, the act authorizes the DCP commissioner to amend the department's existing regulations on administrating COVID-19, influenza, and HIV tests by pharmacists to establish additional requirements for delegating this authority to advanced pharmacy technicians and the technicians' administration of the tests.

§ 11 — TASK FORCE ON UNANNOUNCED RETAIL PHARMACY CLOSURES

The act establishes an 11-member task force to study the impact of unannounced retail pharmacy closures. The study must examine available means to ensure patients can maintain access to their prescriptions.

The task force consists of eight members appointed by the legislative leaders (two each by the House speaker and Senate president pro tempore, and one each by the House and Senate majority and minority leaders), the DCP commissioner or his designee, and two people appointed by the Governor. Legislative appointees may be legislators. Appointing authorities must make their initial appointments to the task force by June 27, 2024, and fill any vacancy.

The House speaker and Senate president pro tempore select the task force chairpersons from among its members. The chairpersons must schedule and hold the first task force meeting by July 27, 2024.

The General Law Committee's administrative staff must serve as the task force's administrative staff.

The task force must issue a report on its findings and recommendations to the General Law Committee by January 1, 2025. The task force terminates when it submits the report or on January 1, 2025, whichever is later.

PA 24-76—sHB 5150
General Law Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING CANNABIS AND HEMP REGULATION

TABLE OF CONTENTS:

§§ 5, 9, 11, 14 & 20 — MICRO-CULTIVATORS

Allows certain social equity cultivator applicants to apply for a micro-cultivator license; eliminates the ability of micro-cultivators to use their own employees to deliver cannabis; allows micro-cultivators to sell cannabis seedlings

§§ 7 & 8 — SELLING AND DELIVERING CANNABIS OR MEDICAL MARIJUANA

Beginning October 1, 2024, allows municipalities to prohibit businesses found to be illegally selling, offering, or delivering cannabis from operating and to apply for a court order to take certain merchandise from these stores; makes violations CUTPA violations and adds additional penalties

§ 9 — EQUITY JOINT VENTURE BACKER EXCEPTION

Allows an equity joint venture to share an individual owner with another equity joint venture that meets social equity applicant criteria if the individual owner is a backer for certain social equity cultivators

§§ 10 & 18 — PRODUCT PACKAGER EXPANDED ACTIVITIES

Allows a product packager to expand its authorized activities to include the authorized activities of a product manufacturer

§§ 12 & 15 — TECHNICAL AND CONFORMING CHANGES

Makes various technical and conforming changes

§ 13 — SOCIAL EQUITY CULTIVATORS, STATE-RECOGNIZED TRIBAL LAND, AND OUTDOOR CULTIVATION

Allows certain social equity cultivator applicants to locate (1) a facility on a state-recognized tribe's reservation or land or (2) an exclusively outdoor grow facility outside a disproportionately impacted area if it is in a municipality that has one; prohibits DCP from granting an application for certain social equity provisional cultivator licenses after December 31, 2025

§§ 16 & 17 — CERTAIN MANUFACTURERS GETTING CANNABIS

Allows product manufacturers and food and beverage manufacturers to get cannabis from the places it is already allowed to sell, transfer, or transport to

§ 19 — PROJECT LABOR AGREEMENT

Expands "project labor agreements" to include affiliated business entities and labor organizations; allows the court to issue penalties for affiliated business entities for project labor agreement violations

§ 20 — PACKAGING AND SIGNAGE

Allows edible cannabis products to be packaged for multiple servings under certain requirements; requires DCP to establish disclosures for mold and yeast and signage for mold and their remediation practices

§ 21 — STORING CANNABIS

Deems a location to be secure for storing cannabis if it satisfies the requirements for securing certain controlled substances

§ 22 — ADVERTISING

Generally prohibits cannabis establishments from advertising or marketing a discounted price or other promotional offer to buy cannabis; allows a discounted price or promotion within a dispensary facility, retailer, or hybrid retailer building, or through a delivery service to induce cannabis purchases

§ 24 — SUMMARILY SUSPENDING CERTAIN CREDENTIALS

Expands the DCP and revenue services commissioners' powers to summarily suspend a credential for any violation of the laws on manufacturer hemp, cannabis tax, marijuana and controlled substances tax, medical marijuana, and adult-use cannabis

§ 24 — MANUFACTURER HEMP PRODUCTS

Specifies out-of-state licensees may apply for a DCP manufacturer hemp license; increases various fines; removes certain manufacturer hemp product violations from being CUTPA violations; requires a police training bulletin to be done annually; specifies that hemp that is lawfully produced under federal law may be transported or shipped through the state

§ 25 — FOOD AND BEVERAGE MANUFACTURER TRACKING HEMP

Requires food and beverage manufacturers to track third-party purchases of hemp or hemp products

§ 36 — CONSUMER PROTECTION ENFORCEMENT ACCOUNT

Requires the DCP commissioner to give OAG funds from the consumer protection enforcement account to pay for OAG's expenses for enforcing the law on selling and delivering cannabis or medical marijuana

BACKGROUND

SUMMARY: This act establishes two new categories of THC products (infused beverages and moderate-THC products) and makes various changes to the laws on adult-use cannabis, hemp, and medical marijuana as summarized in the section-by-section analysis below. It also makes various other minor, technical, and conforming changes.
EFFECTIVE DATE: July 1, 2024, unless otherwise stated.

§§ 1, 4, 6, 23, 26-30 & 33-35 — INFUSED BEVERAGES

Establishes "infused beverages" as a new classification of THC product and requires that these products meet many of the requirements for manufacturer hemp products; generally requires infused beverage manufacturers to be licensed; allows only certain cannabis establishments and package stores to sell these beverages; prohibits sales to anyone under age 21; sets various requirements for testing, signs, packages, and labels; imposes a $1 assessment per container; makes it a CUTPA violation to violate certain provisions

The act establishes a new category of THC product, which it classifies as an "infused beverage" and requires that these beverages meet many of the existing requirements for manufacturer hemp products. Under the act, these beverages may only be sold to people who are at least age 21 and at package stores or cannabis dispensary facilities, hybrid retailers (i.e., licensed to sell both recreational cannabis and medical marijuana), or retailers.

The act deems any violation of the manufacturing or retail sales infused beverages provisions a Connecticut Unfair Trade Practices Act (CUTPA) violation (see BACKGROUND). It also makes technical and conforming changes.

Infused Beverages (§§ 26 & 28)

Under the act, an "infused beverage" is a beverage that (1) is not alcoholic and is intended for human consumption and (2) contains, or is advertised, labeled, or offered for sale as containing, a total THC content of less than three milligrams (mgs) per container, which must be at least 12 fluid ounces. Under the act, it is not considered cannabis, marijuana, or a high- or moderate-THC product.

Manufacturing (§ 27)

Beginning October 1, 2024, the act sets certain requirements and prohibitions for manufacturing infused beverages, as described below.

License. The act generally requires anyone who manufactures any infused beverage intended to be sold or offered for sale in Connecticut to have a Department of Consumer Protection (DCP) license. The act's requirements apply regardless of certain other laws on manufacturing, cultivating, and storing hemp by cannabis establishments.

A person seeking an infused beverage manufacturer license must submit to DCP, in a commissioner-prescribed way, an application with a $5,000 application fee. Each license is valid for one year and may be annually renewed by submitting a renewal application and $5,000 renewal fee. All fees must be deposited in the consumer protection enforcement account. Under existing law, DCP must use money from this account to enforce its licensing and registration laws and fund related positions (also see § 36 — CONSUMER PROTECTION ENFORCEMENT ACCOUNT below).

Exemption. Under the act, certain cannabis establishments may manufacture infused beverages without an infused beverage manufacturer's license. To do so, a cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, or producer with expanded authorization must instead submit a written request to DCP for the department's approval. Cannabis establishments that receive DCP approval are exempt from the license requirement but still subject to all of the act's infused beverage manufacturer provisions, and all related regulations, policies, and procedures DCP adopts under them.

Hemp. Under the act, infused beverage manufacturers may only obtain or use hemp oil to manufacture infused beverages. The hemp oil must meet certain extraction requirements. Specifically, it must have been extracted from hemp by using a solvent that is:

1. a Class 3 residual solvent within the meaning of the most recent United States Pharmacopeia,
2. generally recognized as safe under the Federal Food, Drug and Cosmetic Act, or
3. DCP-approved and posted on the department's website.

Additionally, the hemp oil must be extracted:

1. from hemp grown by a (a) hemp producer, as evidenced by a producer-issued certificate of authenticity, or (b) licensed hemp grower regulated by a state, territory, or federally recognized Indian tribe and in accordance with a state or tribal plan the U.S. Department of Agriculture (USDA) approved, as evidenced by a grower-issued certificate of authenticity; or
2. by a person who is actively credentialed by a state or federally recognized Indian tribe to extract hemp and in a tribe-credentialed facility.

Prohibitions. The act prohibits selling, or offering for sale, infused beverages in the state that:

1. include any additive that is psychotropic or could increase the infused beverage's potency, toxicity, or addictive properties (e.g., caffeine, other than that naturally occurring in chocolate);
2. exceed three mgs total THC per container;
3. fail to meet certain testing standards (see *Testing* below); or
4. are packaged, labeled, or advertised in any way that is likely to mislead someone by incorporating certain statements, brands, designs, representations, pictures, illustrations, or other depictions.

Under the act, prohibited depictions:

1. bear a reasonable resemblance to trademarked or characteristic packaging of cannabis offered for sale in the state by a cannabis establishment, on tribal land by a tribal-credentialed cannabis entity, or a commercially available product other than a cannabis product or
2. appeal to individuals who are under age 21 (e.g., by using a spokesperson or celebrity who appeals to these individuals; depicting someone under age 25 consuming cannabis or an infused beverage; including an object, such as a toy, character, or cartoon character, which suggests the presence of someone under age 21; or making use of any other method that is designed to appeal to anyone under age 21).

Manufacturer Requirements. Under the act, infused beverage manufacturers that manufacture these beverages for sale in the state must:

1. only manufacture beverages with total THC that does not exceed three mgs per container;
2. manufacture them using equipment that is exclusively used for that purpose or is prepared according to good manufacturing practices set under federal law (21 C.F.R. Parts 110 & 111); and
3. ensure that all hemp oil the manufacturer possesses for manufacturing these beverages is (a) stored in a secure, locked location separate from any cannabis; (b) clearly and conspicuously labeled as hemp oil solely for use in manufacturing infused beverages; and (c) solely used for manufacturing infused beverages.

Testing. The act also requires each lot of an infused beverage in its final form to be tested by a cannabis testing laboratory. A statistically significant number of samples must be collected from the lot and submitted for final product testing in a DCP-approved manner. The sampling and final product testing must use a representative sample of the lot and collect a minimum number of sample increments relative to the lot size.

No infused beverage may be offered for sale in the state unless it meets (1) laboratory testing standards for cannabis under the state's cannabis law and the regulations and policies and procedures adopted under that law or (2) other DCP-approved testing standards that are also posted on the department's website.

Labelling. Under the act, each infused beverage container sold or offered for sale in Connecticut must prominently display a symbol indicating the beverage is not legal or safe for anyone under age 21. The symbol must be at least one-half

inch by one-half inch in size and in a DCP-approved format.

Sales. Under the act, infused beverage manufacturers may only sell infused beverages to a dispensary facility, hybrid retailer, retailer, or wholesale permittee or wholesale permittee for beer.

Compliance Verifications

Before the specified cannabis establishments sell to a consumer, or a wholesaler sells to a package store, they must verify that the infused beverages they received in a shipment satisfy the packaging, labeling, and advertising requirements above (see *Prohibitions*) and any related DCP regulations, policies, or procedures.

If the beverages are manufactured by a food or nonalcoholic beverage manufacturer in a facility located in, and regulated by, another state, the cannabis establishments and wholesalers must additionally verify that the beverages in the shipment were manufactured in compliance with requirements that are substantially similar to the act's infused beverage prohibitions and manufacturing, testing, and labelling requirements as well as any related DCP regulations, policies, or procedures.

These verifications must be based on a representative sample of the infused beverage containers included in the shipment.

Gift Prohibition. The act also prohibits cannabis establishments or infused beverage manufacturers, or their agents or employees, from gifting or transferring any infused beverage to a consumer for free as part of a commercial transaction.

Documentation. The act allows the DCP commissioner to request that an infused beverage manufacturer submit to DCP, in a way he prescribes, documentation sufficient to demonstrate the manufacturer is complying with the act's provisions. The manufacturer must promptly provide the requested documentation.

Investigations and Enforcement. The act subjects each infused beverage manufacturer to the same investigation and enforcement requirements that apply to cannabis establishment licensees. By law, the DCP commissioner, for sufficient cause, may take certain disciplinary actions, including suspending or revoking a credential (e.g., a license) or issuing fines of up to $25,000 per violation, and accepting an offer in compromise (CGS § 21a-421p).

Federal Conflict Report. Under the act, if the DCP commissioner determines, after consulting the attorney general, that the federal Agricultural Improvement Act of 2018 has been amended in a way that conflicts with these provisions, the commissioner must prepare and submit a report, in coordination with the attorney general, to the General Law Committee. The report must at least set the scope of the conflict and make recommendations for a resolution. The commissioner must submit the report (1) within 30 days after the USDA announces the amendment, if the General Assembly is in session, or (2) within 60 days after the announcement, if the General Assembly is not in session.

Regulations, Policies, and Procedures. The act allows the DCP commissioner to adopt regulations to implement these provisions. Before adopting them, he must issue policies and procedures to implement the act's provisions. These policies and procedures have the force and effect of law.

At least 15 days before the policies and procedures take effect, the commissioner must post them on DCP's website and submit them to the secretary of the state (SOTS) to be posted on the eRegulations system. A policy or procedure is no longer effective (1) once the final regulation is adopted or (2) starting July 1, 2028, if the regulations have not been submitted to the Regulation Review Committee, whichever occurs first.

Penalties. Under the act, after a hearing conducted under the Uniform Administrative Procedure Act (UAPA), the DCP commissioner may impose an administrative civil penalty of up to $5,000 per violation, and suspend, revoke, or place conditions on any infused beverage manufacturer that violates any of these provisions or regulations. All administrative civil penalties must be deposited in the consumer protection enforcement account.

The commissioner may also summarily suspend, under the UAPA, any DCP credential that he has issued to a person who violates this provision.

Retail Sales (§ 28)

Age Requirement. The act prohibits infused beverages from being sold or offered for sale to anyone under age 21. It does so by prohibiting a package store owner, agent, or employee; dispensary facility; hybrid retailer; or retailer from selling these beverages without first verifying the individual's age with a valid driver's license or identification card.

Sales and Display Requirements. Under the act, beginning October 1, 2024, an infused beverage may only be sold and distributed if it is sold at a (1) package store that buys from a wholesaler or (2) dispensary facility, hybrid retailer, or retailer. (Under PA 24-95, § 2, beginning July 1, 2024, infused beverages may only be sold at package stores or these cannabis establishments.)

If sold at a dispensary, hybrid retailer, or retailer, the beverage must be stored and displayed separately from cannabis in the same way as manufacturer hemp products (i.e., displayed with a DCP-approved sign, clearly labeled to distinguish

them as a different product, and subject to different testing standards).

Standards. Infused beverages must also meet certain standards of manufacturer hemp products, which prohibit them from (1) having any synthetic cannabinoid and (2) being distributed or sold without certain packaging and labeling (e.g., a scannable bar code and product expiration or best-by date, if applicable).

Indirect Sales. The act prohibits infused beverages from being sold, or offered for sale, at retail to anyone in the state by any indirect means, including by mail, telephone, or other electronic means.

Packaging. Beginning October 1, 2024, the act prohibits anyone from selling, or offering for sale, these beverages in any container containing less than 12 fluid ounces or in packages that have more than four containers.

Penalty. Under the act, anyone who violates the retail sales infused beverage provisions is deemed to have violated CUTPA.

Legacy Infused Beverages (§ 30)

Under the act, a "legacy infused beverage" is a beverage that (1) is not an alcoholic beverage, (2) is intended for human consumption, and (3) contains or is advertised, labeled, or offered for sale as containing THC. The beverage must also, as of June 30, 2024, comply with the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) and the corresponding DCP policies and procedures and regulations. (These beverages do not need to meet the act's testing and THC limitations, among other things.)

The act allows a dispensary facility, hybrid retailer, retailer, or package store to temporarily sell legacy infused beverages it possesses after receiving a DCP waiver. They may submit to DCP, on a commissioner-prescribed form, a waiver application until June 30, 2024. A DCP waiver allows these cannabis establishments and package stores to sell, until September 30, 2024, legacy infused beverages they possessed and were in their inventory on the date the act passed (PA 24-95, § 3, changed the possession date to May 14, 2024). These sales must be to individuals who are at least age 21 and comply with all applicable provisions of RERACA and implementing regulations and policies and procedures.

(Under PA 24-95, § 2, beginning July 1, 2024, legacy infused beverages may not be sold at retail at any business except package stores and these cannabis establishments.)

EFFECTIVE DATE: Upon passage

Inventory (§ 29)

Beginning May 15, 2024, the act requires businesses, other than the specified cannabis establishments above and package stores, to take certain actions before they may sell any infused or legacy infused beverages. They must, (1) by May 14, 2024, take inventory of the containers they owned and possessed on that date and (2) by June 15, 2024, submit to DCP, in a way the commissioner prescribes, a report with the inventory results and a fee of $1 per container in the inventory. (PA 24-95, § 2, (1) removes the exemption for cannabis establishments and package stores, thus requiring them to also take these actions; (2) limits the inventory, reporting, and fee requirements to businesses that have these beverages in their possession for sale at retail; and (3) removes a provision from this act that would have, in effect, allowed businesses to sell legacy infused (and infused) beverages after September 30, 2024, if they satisfied these requirements.)

If a business does not submit the report and pay the fee by June 15, 2024, the commissioner must:

1. make a good faith estimate, based on the information available to him, of the number of containers that the business owned and possessed in this state on May 14, 2024, and
2. invoice the business $1 per container based on the estimate.

All fees DCP receives from these inventories must be deposited into the consumer protection enforcement account.

Additionally, the DCP commissioner may, subject to the UAPA, revoke, place conditions on, or suspend any certificate, license, permit, registration, or other credential DCP has issued to any business that fails to submit the report and pay the fee before June 15, 2024.

Under the act, a "business" is any individual or sole proprietorship, partnership, firm, corporation, trust, limited liability company, limited liability partnership, joint stock company, joint venture, association, or other legal entity through which business for profit or not-for-profit is conducted.

EFFECTIVE DATE: Upon passage

Package Store Endorsement (§ 33)

The act requires a package store permittee to annually pay DCP $500 for an infused beverage endorsement, which the department must deposit in the consumer protection enforcement account. By law, package stores may only sell certain products that the law specifies (e.g., alcohol, cigarettes, and bar utensils). The act additionally specifies that package stores

may also sell infused beverages and legacy infused beverages under the act's limitations and requirements.

Container Assessment (§§ 6 & 35)

The act requires a $1 assessment on every infused and legacy infused beverage container sold, which must be remitted to DCP every six months.

Under the act, a cannabis establishment (i.e., dispensary facility, hybrid retailer, or retailer) and alcoholic liquor wholesaler permittee or beer wholesaler permittee must assess this on each container sold. For cannabis establishments, the assessment is on sales to a consumer. For wholesalers, it is on sales to a package store. These assessments are not subject to any sales tax or treated as income tax.

The required remittances start on different dates. For cannabis establishments, it begins October 1, 2024, and for wholesalers it begins January 2, 2025. They both must remit payment to DCP for each infused beverage container sold during the preceding six months. The funds must be deposited into the consumer protection enforcement account and used to protect public health and safety, educate consumers and licensees, and ensure compliance with cannabis and liquor control laws.

§ 1 — MARIJUANA, CANNABIS, CANNABIS-TYPE SUBSTANCES, AND SYNTHETIC AND MANUFACTURED CANNABINOIDS

Narrows the definition of "marijuana" and "cannabis" by removing from their shared definition (1) the seeds and (2) synthetic cannabinoids; correspondingly deletes references to seeds in the "cannabis-type substances" definition; redefines "synthetic cannabinoids" by specifically excluding manufactured cannabinoids and redefines "manufactured cannabinoids" to specify how they are created rather than basing the definition on their natural structure or the effect they have

Marijuana, Cannabis, and Cannabis-Type Substances

Under existing law, the terms "cannabis" and "marijuana" have the same meaning. The act narrows their statutory definition by removing from it (1) the seeds and (2) synthetic cannabinoids.

The act also makes conforming changes by removing from the list of things that do not constitute marijuana or cannabis "sterilized seeds" and certain types of synthetic cannabinoids DCP designated as controlled substances. It also makes conforming changes to the definition of the term "cannabis-type substances" by correspondingly deleting references to seeds.

Synthetic Cannabinoids

The act redefines "synthetic cannabinoid" to mean any substance converted by a chemical process to create a cannabinoid or cannabinoid-like substance that has (1) structural features that allow interaction with at least one of the known cannabinoid-specific receptors and (2) any physiological or psychotropic response on at least one cannabinoid specific receptor. It includes hexahydrocannabinol (HHC and HXC) and hydrox4phc (PHC) but does not include manufactured cannabinoids (see below).

Under prior law, "synthetic cannabinoid" meant any material, compound, mixture, or preparation containing any quantity of a substance having a psychotropic response primarily by agonist activity at cannabinoid-specific receptors affecting the central nervous system that was produced artificially and not derived from an organic source that naturally contains cannabinoids, unless listed in another controlled substance schedule.

Manufactured Cannabinoids

The act redefines "manufactured cannabinoids," basing the definition on how they are created rather than on their natural structure or the effect they have.

Under the act, "manufactured cannabinoids" mean cannabinoids created by converting one cannabinoid directly to a different cannabinoid through (1) the application of light or heat, (2) decarboxylation of naturally occurring acidic forms of cannabinoids, or (3) an alternate extraction or conversion process that DCP approves and publishes on its website.

Under prior law, manufactured cannabinoids were defined as cannabinoids naturally occurring from a source other than marijuana and similar in chemical structure or physiological effect to marijuana-derived cannabinoids but derived by a chemical or biological process.

§§ 1, 31 & 32 — HIGH- AND MODERATE-THC HEMP PRODUCTS

Simplifies the THC thresholds used to determine when a product is considered a high-THC hemp product by imposing a uniform threshold regardless of the product type; establishes the category of "moderate-THC hemp product" and places various limitations on their sales (e.g., only to those age 21 and above and only by cannabis establishments or places with a DCP certificate); and requires these products to meet many of the requirements for manufacturer hemp products

High-THC Hemp Products (§ 1)

Beginning October 1, 2024, the act simplifies the THC threshold for determining when a product is considered a high-THC hemp product and classified as marijuana or cannabis subject to various licensing and regulatory requirements (e.g., it must be sold only by licensed establishments, tested, and sold only to those age 21 or older except under the medical marijuana program). It does so by imposing a uniform THC threshold of one mg per-serving, with up to five mgs per-container, or 0.3% on a dry-weight basis for cannabis flower or cannabis trim.

Under prior law, the thresholds were:

1. for a hemp edible, topical, or transdermal patch: (a) one mg on a per-serving basis or (b) five mgs on a per-container basis;
2. for a hemp tincture, including oil intended for ingestion by swallowing, buccal administration (i.e., between the gums and mouth cheek), or sublingual absorption (i.e., placing under the tongue to dissolve): (a) one mg on a per-serving basis or (b) 25 mgs on a per-container basis;
3. for a hemp concentrate or extract, including a vape oil, wax, or shatter (a type of cannabis extract): 25 mgs on a per-container basis; or
4. for a manufacturer hemp product not described above: (a) one mg on a per-serving basis, (b) five mgs on a per-container basis, or (c) 0.3% on a dry-weight basis for cannabis flower or cannabis trim.

Moderate-THC Hemp Product (§§ 31 & 32)

The act establishes the category of "moderate-THC hemp product" and places various restrictions on sales. Under the act, a "moderate-THC hemp product" is a manufacturer hemp product that has total THC of between one-half mg and five mgs, on a per-container basis.

Beginning January 1, 2025, the act only allows moderate-THC hemp products to be sold at a cannabis establishment or by a person who holds a DCP certificate of registration. (PA 24-95, § 4, specifies this restriction only applies to retail sales to consumers and not wholesale or commercial distributions for resale.)

Certificate of Registration. A person seeking a certificate of registration as a moderate-THC hemp product vendor must submit to DCP, in a form and manner the commissioner prescribes, an application with a $2,000 non-refundable application fee. (PA 24-95, § 4, sets the application fee and renewal fee described below at $1,000 for applicants who hold a hemp manufacturer license.)

The application must at least disclose the place the person sells, or intends to sell, the moderate-THC hemp product and certain sales revenue information. Specifically, an applicant must provide enough information for the DCP commissioner to determine if, (1) for an existing retail location, at least 85% of the location's average monthly gross revenue in the preceding year was from retail sales of moderate-THC hemp products to consumers or (2) for a proposed retail location, it is reasonably likely that at least 85% of the average monthly gross revenue will be from these sales.

The act generally prohibits the commissioner from issuing the certificate unless he has determined that the applicant satisfies, or is reasonably likely to satisfy, the minimum sales threshold. However, the act provides an exception for vendors that manufacture moderate-THC hemp products where they sell, or propose selling, these products to consumers. These vendors are not required to disclose the sales revenue information described above and the commissioner may issue them a certificate even if they do not satisfy the minimum sales threshold. (PA 24-95, § 4, additionally exempts from the minimum sales threshold any licensed manufacturer selling, or proposing to sell, at retail moderate-THC products it manufactures.)

Under the act, the certificates expire annually. Each vendor seeking a certificate renewal must submit a renewal application with a $2,000 nonrefundable renewal application fee and the same sales information as required for the initial certificate. Except for certain vendors who are also manufacturers, DCP must only renew the certificate if the vendor meets the same minimum sales threshold.

DCP must deposit these fees into the consumer protection enforcement account.

Prohibitions. The act prohibits:

1. anyone from acting as or representing himself or herself as a vendor unless the person actively holds a DCP certificate of registration;
2. selling these products, if they are intended for human ingestion, in packaging that includes more than two containers;
3. cannabis establishments or vendors, or their agents or employees, from gifting or transferring any product for free to a consumer as part of a commercial transaction; and
4. cannabis establishments or vendors, or their agents or employees, from selling moderate-THC hemp products to anyone under age 21. (Before selling these products, they must first verify the individual's age with a valid government-issued driver's license or identity card.)

Standards and Labeling. The act requires moderate THC hemp products to meet certain standards that apply to manufacturer hemp products. These standards prohibit these products from:

1. having any synthetic cannabinoid;
2. being packaged, presented, or advertised in a way that is likely to mislead a consumer (e.g., using a statement or depiction that resembles trademarked cannabis or implying it is a cannabis product); and
3. being distributed or sold without certain packaging and labeling (e.g., scannable bar code and product expiration or best by date if applicable).

Testing. The act also requires products to meet the testing standards for manufacturer hemp products required by law or regulation, or other testing standards for these products the DCP commissioner or his designee may require.

Investigations and Enforcement. Like infused beverage manufacturers, the act subjects each moderate-THC hemp product vendor to the investigation and enforcement provisions of cannabis establishment licenses.

Hearing and Penalty. After a hearing conducted under the UAPA, the DCP commissioner may impose an administrative civil penalty of up to $5,000 per violation, and suspend, revoke, or place conditions on a vendor that violates the act's provisions or any related regulation. Any administrative civil penalty collected must be deposited in the consumer protection enforcement account.

Regulations. The act requires the DCP commissioner to adopt regulations to implement these provisions. Before adopting the regulations, he may issue policies and procedures that have the force and effect of law. At least 15 days before the policies and procedures take effect, the commissioner must post them on DCP's website and submit them to SOTS to be posted on the eRegulations system. A policy or procedure is no longer effective (1) once the final regulation is adopted or (2) starting July 1, 2028, if the regulations have not been submitted to the Regulation Review Committee, whichever occurs first.

Uniform Food, Drug and Cosmetic Act. The act adds the unauthorized sale of moderate-THC hemp products as a prohibited act under the state Uniform Food, Drug and Cosmetic Act. Under the Uniform Food, Drug and Cosmetic Act, first violations are generally punishable by up to six months in prison, a fine of up to $500, or both. A subsequent violation is punishable by up to one year in prison, a fine of up to $1,000, or both (CGS § 21a-95).

EFFECTIVE DATE: January 1, 2025, for the moderate THC-hemp product provisions.

§§ 2 & 3 — MARIJUANA TESTING

Requires each cannabis establishment to submit marijuana (i.e., cannabis) samples to a cannabis testing laboratory for testing; sets testing and retesting method standards and procedures

Testing Samples

The act requires each cannabis establishment to submit marijuana (i.e., cannabis) samples to a cannabis testing laboratory for testing. By law, a cannabis establishment is a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service, or transporter.

Under the act, a cannabis testing laboratory must test each marijuana sample for (1) microbiological contaminants, mycotoxins, heavy metals, and pesticide chemical residue and (2) an active ingredient analysis, if applicable. The microbiological testing must at least include testing for the Aspergillus species, as set and posted on DCP's website. The act requires the quantity and number of marijuana samples tested to be sufficient to ensure representative sampling of the corresponding batch size.

Testing Methods

When conducting the microbiological testing, the marijuana sample must be tested using a molecular method that:

1. includes quantitative polymerase chain reaction;
2. is certified for identifying microbiological DNA; and
3. is approved by the Association of Official Analytical Collaboration International, or a comparable national or international standards organization the DCP commissioner designates.

The act also allows alternative testing methods if DCP approves them and posts them on the department's website.

Repeat Testing After Failure

Under the act, if a sample does not pass the testing, the cannabis establishment must repeat testing on the marijuana batch from which the sample was taken, in a DCP-approved way. If the repeat test provides satisfactory results, the entire batch may be released for sale.

The act also allows a cannabis establishment to submit a remediation plan that is sufficient to ensure public health and safety to the commissioner. If he approves the plan, the establishment may remediate the batch from which the sample was taken and repeat the testing in a DCP-approved way. If all the repeat testing provides satisfactory results, the entire batch may be released for sale.

Disposing of Batches

If a cannabis establishment does not retest or remediate the batch, or if repeat laboratory testing does not provide satisfactory results, the establishment must dispose of the entire marijuana batch from which the sample was taken. It must do so according to DCP commissioner-established procedures, as published on the agency's website.

§§ 5, 9, 11, 14 & 20 — MICRO-CULTIVATORS

Allows certain social equity cultivator applicants to apply for a micro-cultivator license; eliminates the ability of micro-cultivators to use their own employees to deliver cannabis; allows micro-cultivators to sell cannabis seedlings

Social Equity Applicants (§§ 5 & 11)

Under an existing law, DCP opened a three-month application period for social equity applicants to apply for a provisional and final cultivator license for a facility located in a disproportionately impacted area. Under it, they could apply without participating in a lottery or request for proposals.

Application. Under the act, between July 1, 2024, and March 31, 2025, a social equity applicant that applied for these cultivator licenses may withdraw its application and apply for a micro-cultivator license. The applicant may do so if:

1. the Social Equity Council verifies the applicant meets the social equity criteria;
2. the applicant is eligible to receive a provisional cultivator license (e.g., passes a criminal background check);
3. DCP has not already issued the applicant a provisional cultivator license; and
4. the applicant submits a written statement to DCP, in a commissioner-prescribed way, withdrawing its cultivation application.

Fees Nonrefundable. The act specifies that when an applicant withdraws an application, it is not eligible for a refund of any fees paid in connection with that application.

Issuance of License. Between July 1, 2024, and December 31, 2025, DCP must issue a provisional micro-cultivator license to a social equity applicant if he or she:

1. meets the eligibility criteria and submits a timely, completed application and other documentation required to determine eligibility under the social equity applicant process;
2. submits a written statement disclosing whether any change in ownership or control has occurred since the applicant was verified by the Social Equity Council as a social equity applicant; and
3. submits a $500,000 application fee.

These application fees must be deposited into the consumer protection enforcement account.

Changes to Social Equity Status. If the applicant's written statement, described above, discloses changes in ownership or control, the Social Equity Council must determine if the changes are allowed (and the applicant is eligible for a provisional micro-cultivator license) under the laws and regulations governing its application review process.

The council must determine whether the applicant continues to meet the social equity applicant criteria and submit its

determination to DCP in writing.

License Renewal Fee. Under the act, a renewal fee for a final micro-cultivator license is the same as existing law (i.e., $1,000). These fees must be paid to the state treasurer to be credited to the General Fund.

Equity Joint Venture. The act prohibits social equity applicants that receive a micro-cultivator license from being eligible to apply for a provisional and final license to create more than one equity joint venture that the council approves. It also prohibits these applicants from operating the equity joint venture unless the applicant has received the new license, started cultivation activities, and submitted to DCP both the application fee and a conversion fee, which are both $500,000. The conversion fee must be deposited in the Cannabis Social Equity and Innovation Fund. By law, this fund may be used as access to capital for businesses, technical assistance for start-ups, workforce education and community investment funding, and to pay costs for regulating cannabis (CGS § 21a-420f).

Application Disclosure and Process. Applications and information submitted under these provisions are subject to the same disclosure laws as those submitted for other cannabis establishment licenses. (Generally, state officers and employees may not disclose any information submitted in an application unless the law specifically allows it.) Additionally, these applications must be processed in the same way as micro-cultivator applications selected through the lottery and subject to the licensing process set in existing laws (e.g., Social Equity Council and DCP review of qualifications).

Delivery Service (§ 14)

The act eliminates the ability for a micro-cultivator to use its own employees to deliver cannabis. Under prior law, a micro-cultivator could sell its own cannabis to consumers either through a delivery service or using its own employees.

Seedlings (§§ 14 & 20)

The act allows a micro-cultivator (and no other cannabis establishment types) to sell its own cannabis seedlings to consumers. But a micro-cultivator may only do this if:

1. it cultivated the seedling in the state from a seed or clone;
2. the seedling has a standing height of six inches or less (measured from the base of the stem to the tallest point), does not contain any bud or flower, and has been tested for pesticides and heavy metals based on laboratory testing standards set by policies and procedures and final regulations; and
3. there is a label or informational tag on the seedling disclosing certain information (see below).

Packaging and Labelling. The act requires the label or informational tag to include the following in legible English, black lettering, Times New Roman font, flat regular typeface, on a contrasting background, and in uniform size of at least one-tenth of one inch, based on a capital letter "K":

1. the micro-cultivator's name;
2. a product description for the seedling;
3. the chemotype anticipated after flowering (i.e., "High THC, Low CBD," "Low THC, High CBD," or "50/50 THC and CBD");
4. the results of the required testing;
5. directions for the optimal care of the seedling;
6. unobscured symbols, in a size of at least one-half inch by one-half inch and in a DCP commissioner-approved format, indicating the seedling contains THC and is not legal or safe for individuals under age 21; and
7. a unique identifier that a cannabis analytic tracking system generates and DCP maintains to track cannabis under policies, procedures, and final regulations.

The act exempts micro-cultivators selling seedlings from having to sell them in child-resistant packaging.

Limitations. The act prohibits micro-cultivators from (1) knowingly selling more than three seedlings to a consumer in any six-month period and (2) accepting any returned seedlings.

§§ 7 & 8 — SELLING AND DELIVERING CANNABIS OR MEDICAL MARIJUANA

Beginning October 1, 2024, allows municipalities to prohibit businesses found to be illegally selling, offering, or delivering cannabis from operating and to apply for a court order to take certain merchandise from these stores; makes violations CUTPA violations and adds additional penalties

Municipal Prohibition

By law, only certain specified cannabis establishments may sell or deliver adult-use cannabis to consumers and medical

marijuana to patients or caregivers.

Beginning October 1, 2024, the act allows any municipality, by legislative vote, to prohibit any business from operating within the municipality if the business (1) is found to be illegally selling, offering, or delivering cannabis or (2) poses an immediate threat to public health and safety (see below).

If a municipality's chief executive officer determines that a business in the municipality is operating (i.e., offering sales of goods and services to the general public, including through indirect sales) in this way, he or she may apply to the Superior Court for an order to take certain merchandise from the business. If the Superior Court finds that a business is in violation or poses a threat, then it may issue an ex parte (i.e., only one party involved) order without a hearing directing the municipality's chief law enforcement officer to take possession and control of merchandise related to the violation or immediate threat to public health and safety. These items include any cannabis or cannabis product; any cigarette, tobacco, or tobacco product; any merchandise related to these products; and any proceeds related to these products and merchandise.

Under the act, an "immediate threat to public health and safety" includes the presence of any (1) cannabis or cannabis product in connection with a violation of any law on selling, offering, or delivering cannabis or (2) cigarette or tobacco product alongside any cannabis or cannabis product.

Civil Fines

Beginning October 1, 2024, under the act, a violator of the law on selling, offering, or delivering cannabis must be assessed a civil fine of $30,000 for each violation, where each day the violation continues is a separate offense. These violations are also deemed CUTPA violations.

Additionally, anyone who aids or abets these violations must also be assessed a $30,000 civil fine for each violation, where each day the violation continues is a separate offense. A person is not deemed to have aided or abetted a violation, unless he or she:

1. was the owner, officer, controlling shareholder, or in a similar position of authority over a person who is prohibited from selling or offering cannabis and then sold or offered it in violation of these provisions;
2. knew that the person was prohibited from selling or offering cannabis and still did so;
3. gave substantial assistance or encouragement for the sale or offer of sale; and
4. the person's conduct was a substantial factor in furthering the sale or offer of sale.

The act also imposes a $10,000 civil fine for each violation by anyone who manages or controls a commercial property, building, room, space, or enclosure, in the person's capacity as owner, lessee, agent, employee, or mortgagor, and knowingly makes the commercial area available for use in these violations. Each day a violation continues is a separate offense.

Under the act, only the attorney general, upon the complaint of the DCP commissioner, or a municipality where the violation occurred may assess a civil fine or institute a civil action to recover any imposed civil fines. If a municipality institutes a civil action to recover an imposed civil fine, the fine must be paid to the municipality first to reimburse it for the costs for instituting the action. Half of the remainder, if any, must be paid to the municipality's treasurer and half must be paid to the state treasurer for deposit into the General Fund.

Lastly, the act specifies that it does not prohibit imposing criminal penalties on anyone prohibited from selling or offering cannabis or cannabis products who does so.

EFFECTIVE DATE: October 1, 2024, for the municipal prohibition and penalties provision.

§ 9 — EQUITY JOINT VENTURE BACKER EXCEPTION

Allows an equity joint venture to share an individual owner with another equity joint venture that meets social equity applicant criteria if the individual owner is a backer for certain social equity cultivators

Prior law prohibited the Social Equity Council from approving an equity joint venture applicant that shared any individual owner with another equity joint venture meeting the social equity applicant criteria. The act makes an exception for an individual owner in his or her capacity as a backer for certain social equity cultivators.

§§ 10 & 18 — PRODUCT PACKAGER EXPANDED ACTIVITIES

Allows a product packager to expand its authorized activities to include the authorized activities of a product manufacturer

The act allows a product packager to expand its authorized activities to include the authorized activities of a product

manufacturer under certain conditions. In order for this to happen the:

1. packager must submit to DCP a completed license expansion application and a $30,000 application fee and
2. commissioner must authorize the packager, in writing, to perform the expanded activities of a product manufacturer.

The act requires a product packager that expands its authorized activities to comply with all the laws, regulations, policies, and procedures for product manufacturers. If there is a conflict between the packager requirements and the manufacturer requirements, the more stringent public health and safety standard prevails.

Under the act, the renewal fee for a product packager's expanded authorization is $25,000, which is instead of the product packager renewal fee, which is also $25,000.

§§ 12 & 15 — TECHNICAL AND CONFORMING CHANGES

Makes various technical and conforming changes

The act makes various technical and conforming changes.

§ 13 — SOCIAL EQUITY CULTIVATORS, STATE-RECOGNIZED TRIBAL LAND, AND OUTDOOR CULTIVATION

Allows certain social equity cultivator applicants to locate (1) a facility on a state-recognized tribe's reservation or land or (2) an exclusively outdoor grow facility outside a disproportionately impacted area if it is in a municipality that has one; prohibits DCP from granting an application for certain social equity provisional cultivator licenses after December 31, 2025

By law, in order for a social equity applicant who applied for a cultivator license without participating in a lottery to get a final cultivator license, the applicant must provide evidence of certain information, including a right to exclusively occupy a location in a disproportionately impacted area where the cultivation facility will be located.

The act also allows these applicants to instead provide evidence that they will locate (1) a facility on state-recognized tribal land or (2) an exclusively outdoor grow facility outside a disproportionately impacted area if it is in a municipality that has one. As described below, these locations must meet certain conditions to qualify.

State Tribal Land

Under the act, the facility may be located on any (1) reservation of the Schaghticoke, Paucatuck Eastern Pequot, or Golden Hill Paugussett tribes that includes at least 10 acres of contiguous land that was part of the reservation on July 1, 2024, or (2) land any state-recognized tribe owns in fee simple if the parcel is at least 10 acres of contiguous land and is in a municipality that contained a disproportionately impacted area before July 1, 2024.

Under existing law, a disproportionately impacted area is a U.S. census tract in the state that the Social Equity Council identifies using a statutory process. Additionally, the adult-use cannabis laws give certain advantages to (1) residents of disproportionately impacted areas (e.g., social equity applicants) and (2) certain cultivators applying with social equity applicants who could have received a license without participating in a lottery if they located their facilities in a disproportionately impacted area (CGS §§ 21a-420 & -420o).

Outdoor Cultivation

Under the act, an exclusively outdoor grow facility may be located outside of a disproportionately impacted area if the facility is in a municipality that has any portion of a disproportionately impacted area. The outdoor grow must be done on land the municipality has approved for agricultural or farming uses and all cultivation must comply with all regulations, policies, and procedures on outdoor cannabis cultivation.

Provisional Cultivator License Prohibition Deadline

Additionally, the act prohibits DCP from granting an application for provisional cultivator licenses after December 31, 2025.

§§ 16 & 17 — CERTAIN MANUFACTURERS GETTING CANNABIS

Allows product manufacturers and food and beverage manufacturers to get cannabis from the places it is already allowed to sell, transfer, or transport to

Prior law only allowed a product manufacturer and food and beverage manufacturer to sell, transfer, or transport its own products to a cannabis establishment, cannabis testing laboratory, or research program using its own employees or a transporter. The act also allows these manufacturers to get cannabis from these places.

§ 19 — PROJECT LABOR AGREEMENT

Expands "project labor agreements" to include affiliated business entities and labor organizations; allows the court to issue penalties for affiliated business entities for project labor agreement violations

Under existing law, certain cannabis facility construction and renovation projects must have a project labor agreement that contains certain conditions. Prior law required these agreements to be between the cannabis establishment and a subcontractor or contractor. The act requires the agreements to also include affiliate businesses and labor organizations. Under the act, a "project labor agreement" is a pre-hire collective bargaining agreement that is entered into by and between:

1. a cannabis establishment or affiliate business entity (i.e., one that is controlled by, or is under common control with, a cannabis establishment directly or indirectly through intermediaries);
2. one or more contractors or subcontractors; and
3. one or more labor organizations (i.e., organizations, other than company unions, to collectively bargain or deal with employers over grievances, employment terms or conditions, or other mutual aid or protection).

Covered Projects

Prior law required any project of at least $5 million to construct or renovate a facility to operate a cannabis establishment to have a project labor agreement. Under the act, the project must also be performed by or on behalf of the cannabis establishment or its affiliate business entity to trigger this requirement.

Agreement Terms and Bound Parties

Under prior law, an agreement bound only the project contractors and subcontractors by making specifications in all relevant solicitation provisions and contract documents. The act instead binds each affiliated entity, contractor, and subcontractor to the collective bargaining agreement's terms. It similarly does so by requiring solicitations and contracts to include specifications, specifically those that concern performance of the covered project.

Prior law and the act require that certain terms be included in the agreement. The act adds required terms and modifies several others. For example, it specifies that several of the required terms (e.g., on uniform conditions of employment and guarantees against strikes) apply in connection with the performance of the covered project rather than on the project. It also requires agreements to establish the terms and conditions of employment in connection with performance of a covered project and makes various minor, technical, and conforming changes.

Enforcement and Civil Actions

Under prior law, an employee organization could enforce the project labor agreement provisions or seek remedies for noncompliance. The act instead allows a labor organization, rather than the employee organization, to take these actions.

Under prior law, an "employee organization" was any lawful association, labor organization, federation, or council with a primary purpose of improving wages, hours, and other conditions of employment for cannabis establishments' employees.

The act allows a civil action to be brought in the Superior Court where the covered project is to be performed. Under prior law, these actions could only be brought where the project was located.

The law allows the court, after holding a hearing, to order penalties of up to $10,000 per day for each project labor agreement violation by the cannabis establishment. The act extends this to an affiliated business entity.

Like under existing law for a cannabis establishment, an affiliate business entity's failure to comply with the project labor agreement provisions must not be the basis for any administrative action by DCP.

§ 20 — PACKAGING AND SIGNAGE

Allows edible cannabis products to be packaged for multiple servings under certain requirements; requires DCP to establish disclosures for mold and yeast and signage for mold and their remediation practices

Existing law requires DCP's cannabis-related regulations to include specified labeling and packaging requirements. The act modifies a few of these requirements and adds another.

Edibles Packaging

Prior law required packaging for edible cannabis products to be individually wrapped. The act allows these products to be packaged for multiple servings if each single standardized serving is easily discernable and is individually wrapped or physically demarked and delineated.

Mold and Yeast

Existing law requires DCP to set laboratory testing standards. The act requires DCP to also:

1. establish consumer disclosures on mold and yeast in cannabis and allowed remediation practices and
2. prescribe signage for dispensary facilities, retailers, and hybrid retailers to prominently display that discloses (a) possible health risks related to mold and (b) the use and possible health risks related to using mold remediation techniques.

§ 21 — STORING CANNABIS

Deems a location to be secure for storing cannabis if it satisfies the requirements for securing certain controlled substances

By law, a cannabis establishment must store all cannabis in a way to prevent diversion, theft, or loss and return it to a secure location at the end of business days. Under the act, a location is deemed to be secure if it satisfies the state regulations for securing controlled substances (i.e., schedule III, IV, and V, which require storage in an approved vault, safe, or separate secure locked area, among other requirements).

§ 22 — ADVERTISING

Generally prohibits cannabis establishments from advertising or marketing a discounted price or other promotional offer to buy cannabis; allows a discounted price or promotion within a dispensary facility, retailer, or hybrid retailer building, or through a delivery service to induce cannabis purchases

The act generally prohibits cannabis establishments from advertising or marketing a discounted price or other promotional offer as an inducement to buy cannabis or a cannabis product that is not medical marijuana. However, it allows a discounted price or promotional offering as an inducement to purchase cannabis (1) within a dispensary facility, retailer, or hybrid retailer building; (2) through a delivery service; or (3) on the dispensary facility, retailer, or hybrid retailer's website where cannabis or cannabis products may be lawfully ordered.

§ 24 — SUMMARILY SUSPENDING CERTAIN CREDENTIALS

Expands the DCP and revenue services commissioners' powers to summarily suspend a credential for any violation of the laws on manufacturer hemp, cannabis tax, marijuana and controlled substances tax, medical marijuana, and adult-use cannabis

Under prior law, the DCP and revenue services commissioners could summarily suspend any credential their respective departments issued to anyone who violated certain provisions on selling manufacturer hemp products (e.g., selling hemp that contains synthetic cannabinoid and failing to follow labeling or packaging guidelines). The act expands the power to summarily suspend a credential to apply to any violation of the laws on manufacturer hemp, cannabis tax, marijuana and controlled substances tax, medical marijuana, and adult-use cannabis. As under existing law, these suspensions must be done under the UAPA procedures for matters involving licenses.

§ 24 — MANUFACTURER HEMP PRODUCTS

Specifies out-of-state licensees may apply for a DCP manufacturer hemp license; increases various fines; removes certain manufacturer hemp product violations from being CUTPA violations; requires a police training bulletin to be done annually; specifies that hemp that is lawfully produced under federal law may be transported or shipped through the state

Out-of-State Licensees Getting Connecticut License

Existing law prohibits anyone from manufacturing hemp in Connecticut without a DCP license. But the act specifies that the manufacturer hemp laws do not prohibit anyone who is licensed in another state to manufacture, handle, store, and market manufacturer hemp products from applying for or getting a DCP license.

Fine Increase

The act increases the fines DCP may issue to the following:

1. a manufacturer licensee who violates the manufacturer hemp law or regulations, to a maximum of $5,000 (from a $2,500 maximum under prior law);
2. any entity who manufactures in the state without a license, or with a suspended license, to a maximum of $5,000 (from a $2,500 maximum); and
3. anyone who manufactures in the state without a license, or with a suspended or revoked license, to $10,000 (from $250).

The act retains the prior law's procedural requirements (e.g., for the first two fines, a hearing conducted under the UAPA must be held first).

No Longer CUTPA Violations

The act removes certain manufacturer hemp product violations as CUTPA violations, which they were under prior law. Under the act, violations of the following are no longer CUTPA violations:

1. a limitation on the type of sales of manufacturer hemp products a person may engage in without a license,
2. a prohibition on synthetic cannabinoids in manufacturer hemp products, and
3. certain packaging and labeling requirements for different manufacturer hemp products.

Police Training Bulletin on High-THC Hemp Products

Prior law required the Department of Emergency Services and Public Protection, in consultation with DCP, to publish a training bulletin by October 31, 2023, informing local law enforcement agencies and officers about the investigation and enforcement standards for cannabis and high-THC hemp products. The act makes this an annual requirement with the same October 31 deadline.

Hemp Transportation

The act specifies that nothing in the state hemp laws prohibits any hemp shipment or transport through the state if it was lawfully produced under federal law.

The federal law allowing hemp explicitly prohibits states from prohibiting the transportation or shipment of hemp or hemp products produced in accordance with federal law through the state (P. L. 115-334, § 10114(b)).

§ 25 — FOOD AND BEVERAGE MANUFACTURER TRACKING HEMP

Requires food and beverage manufacturers to track third-party purchases of hemp or hemp products

As existing law requires of certain cannabis establishments, the act requires that hemp or hemp products purchased by a food and beverage manufacturer from a third party be tracked as a separate batch throughout the manufacturing process. Once the manufacturer receives the hemp or hemp product, it is deemed cannabis and the licensee must comply with all the cannabis laws and regulations. Manufacturers must keep a copy of the certificate of analysis for the purchased hemp or hemp products, and the invoice and transport documents showing the quantity purchased and date received.

§ 36 — CONSUMER PROTECTION ENFORCEMENT ACCOUNT

Requires the DCP commissioner to give OAG funds from the consumer protection enforcement account to pay for OAG's expenses for enforcing the law on selling and delivering cannabis or medical marijuana

The act requires the DCP commissioner, upon the attorney general's request, to execute an agreement with the attorney general to provide the Office of the Attorney General (OAG) with funds from the consumer protection enforcement account as the commissioner and attorney general agree OAG needs to pay for personal services and other enforcement expenses incurred by the office in enforcing the law on selling and delivering cannabis or medical marijuana (CGS § 21a-420c).

BACKGROUND

CUTPA

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner, under specified procedures, to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than $10,000, impose civil penalties of up to $5,000, 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.

Related Acts

PA 24-95 makes several changes to this act's infused beverages and moderate-THC product provisions. Among other things, it (1) sets different timelines for when infused beverages may be only sold at package stores and certain cannabis establishments and (2) sets a lower application fee for hemp manufacturers applying for a moderate-THC vendor certificate registration and exempts them from the minimum sales requirement.

PA 24-115 has substantially similar provisions (1) redefining "cannabis," "marijuana," "synthetic cannabinoids," and "manufactured cannabinoids"; (2) allowing multiple-serving edibles; and (3) specifically allowing the transport of hemp through the state if it was lawfully produced under federal law.

PA 24-142, § 26, among other things, allows DCP to impose a civil penalty of up to $5,000 for CUTPA violations, after an administrative hearing.

PA 24-80—sSB 202
General Law Committee

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING PRESCRIPTION DRUG CONTROL

SUMMARY: This act makes several unrelated changes to the laws on pharmacists, pharmaceutical marketing firms and representatives, and controlled substances. It:

1. allows the direct sale of hypodermic needles to certain additional health care professionals;
2. among other changes regarding pharmaceutical marketing firms, requires each pharmaceutical marketing firm that employs or compensates pharmaceutical representatives to ensure that each representative discloses to prescribing practitioners and pharmacists certain information;
3. eliminates an overlapping prohibition on automatic reciprocal discipline of pharmacists who assist in the termination of a pregnancy, while still maintaining the prohibition;
4. requires a person permitted to administer, prescribe, or dispense controlled substances in Connecticut to make certain medical evaluation records available to the Department of Consumer Protection (DCP) for inspection for the purpose of enforcing existing law; and
5. makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

§ 1 — SALES OF HYPODERMIC NEEDLES AND SYRINGES

Under existing law, licensed manufacturers and wholesalers are permitted to sell hypodermic needles and syringes directly to licensed physicians, dentists, veterinarians, embalmers, podiatrists, and scientific investigators, in addition to certain other people and entities (e.g., farmers and industrial users).

The act additionally authorizes licensed manufacturers and wholesalers to sell these items directly to licensed advanced practice registered nurses, optometrists, and physician assistants.

§§ 2-4 & 6 — PHARMACEUTICAL MARKETING FIRMS

Under existing law, pharmaceutical marketing firms that employ pharmaceutical representatives must register with DCP and annually give DCP (1) a list of all pharmaceutical representatives they employ and (2) certain information about these representatives' activities.

The act specifies that a "pharmaceutical marketing firm" includes entities that compensate pharmaceutical representatives, not just those who employ them as under prior law. Existing law already defines a "pharmaceutical representative" as someone, including a sales representative, who markets, promotes, or provides information on legend drugs to prescribing practitioners and is employed or compensated by a pharmaceutical manufacturer. In conformity, the act (1) specifically requires firms to include people compensated as pharmaceutical representatives by the firm in the list of pharmaceutical representatives that they submit annually to DCP and (2) makes related changes.

The act eliminates the requirement that DCP analyze the information submitted to it by firms and compile an annual report on the activities of pharmaceutical representatives (the first such report, under prior law, was due December 1, 2024). The act instead requires DCP to annually report information on pharmaceutical marketing firms' activities. The act also delays, from December 1 to December 31, 2024, the due date for DCP to post the first report online and submit it to the Office of Policy and Management.

The act requires each pharmaceutical marketing firm that employs or compensates pharmaceutical representatives to ensure that each representative discloses to prescribing practitioners and pharmacists certain information each time they make contact about legend drugs. Prior law did not explicitly give firms responsibility for ensuring this information was provided. Unchanged by the act, the required information is the drug's (1) list price and (2) variation efficacy for different racial and ethnic groups if it is available.

§ 5 — AUTOMATIC RECIPROCAL DISCIPLINE OF PHARMACISTS

The act makes a minor change in state law to eliminate an overlapping prohibition on automatic reciprocal discipline of pharmacists who were disciplined in another state solely for assisting in the termination of a pregnancy. Under existing law and the act, a pharmacist must not be subject to automatic reciprocal discipline in Connecticut based on another jurisdiction's discipline solely for the termination of a pregnancy that would not violate Connecticut law.

§ 7 — INSPECTION OF MEDICAL EVALUATION RECORDS ASSOCIATED WITH CONTROLLED SUBSTANCES

The act requires a person licensed, registered, or otherwise permitted to distribute or dispense controlled substances in Connecticut to make medical evaluation records associated with the dispensing, administering, or prescribing of controlled substances available to DCP for inspection. These medical evaluation records are confidential and not subject to disclosure under the Freedom of Information Act. DCP is limited to inspecting these records only when they are investigating, or conducting an enforcement action of, a violation or suspected violation relating to a controlled substances registration.

The act does not require the disclosure of any substance abuse treatment record that is protected from disclosure under federal law.

PA 24-85—sHB 5149
General Law Committee

AN ACT CONCERNING CAFE AND PACKAGE STORE PERMITTEES

SUMMARY: This act (1) establishes a new cafe permit for wine, beer, and cider that is largely similar to the existing cafe permit and (2) allows package stores to charge for spirit tastings and demonstrations under certain conditions.

Among other things, under the act, the new cafe permittee may:

1. sell and dispense wine, beer, and cider during the same hours as other permittees for on-premises alcohol consumption and in an outdoor space if fire, zoning, and health regulations allow it;
2. have the permissions of a caterer liquor permittee at no charge;
3. sell and deliver sealed beer, wine, and cider for off-premises consumption, under certain requirements; and
4. hold certain other alcoholic liquor permits.

The act also (1) sets certain requirements for these permittees, including that they have food available during most of the hours they are open and (2) extends to these permittees specified provisions that apply under existing law to cafe permittees.

EFFECTIVE DATE: July 1, 2024

CAFE PERMIT FOR WINE, BEER, AND CIDER

The act establishes a new cafe permit for wine, beer, and cider that is largely similar to the existing cafe permit. The permittee may sell wine, beer, and cider that does not exceed 6% alcohol by volume (ABV) for on-premises consumption. The annual fee is $1,000.

Definition of Cafe (§ 2)

Under the act, a "cafe" is a space:

1. in a suitable and permanent building;
2. kept, used, maintained, advertised, and held out to the public as a place where alcoholic liquor and food are served at retail for on-premises consumption;
3. having the adequate number of employees at all times;
4. with no public sleeping accommodations; and
5. that does not necessarily need a kitchen or dining room (i.e., room where meals are usually served to the public for payment).

Allowable Hours (§ 12)

Like other permittees for on-premises consumption, cafe permittees for wine, beer, and cider may only sell, dispense, allow people to consume, or have containers of alcohol during the following hours: generally from 9:00 a.m. to 1:00 a.m. the next morning on Monday through Thursday, from 9:00 a.m. to 2:00 a.m. the next morning for Friday and Saturday, and 10:00 a.m. to 1:00 a.m. the next morning on Sunday. Similarly, they may not be open to, or occupied by, the public outside these times.

Additionally, it is unlawful for the new cafe permittee to keep the premises open to the public during the hours of 1:00 a.m. to 6:00 a.m. Monday through Friday and 2:00 a.m. to 6:00 a.m. Saturday and Sunday or when the permit is suspended.

Regardless of any other law in the Liquor Control Act, the new cafe permittee may keep the permit premises open to, or occupied by, the public when it is used as a place for film, television, video, or digital production that is eligible for the state film production tax credit. But the permittee is still limited in when he or she may sell, dispense, or allow the consumption of alcohol to the hours above.

Food Requirement (§ 2(b))

The act requires the cafe permittee for beer, wine, and cider to keep food available during most of the hours it is open for customers to buy and consume on the premises. The permittee can meet this requirement by having food available from outside vendors located on or near their premises that is delivered either directly or through a third party.

The act does not require food to be sold or purchased with any wine, beer, or cider. Additionally, it prohibits any regulation or standard from being adopted or enforced to require (1) food sales to be substantial or (2) a set ratio of alcohol sales to food sales.

Outdoor Space (§ 2(b))

With the Department of Consumer Protection's (DCP) prior approval and if fire, zoning, and health regulations allow, a permittee may serve wine, beer, and cider at tables outside in areas that are screened or not screened from public view. If the fire, zoning, or health regulations do not require that an area be enclosed by a fence or wall, DCP cannot require it. Any

required fence or wall must be taller than 30 inches.

Growlers (§ 2(b))

The act allows permittees to sell at retail sealed containers (supplied by the permittee) of wine and draught beer for off-premises consumption (i.e., growlers). These sales are allowed only during the hours package stores are allowed to sell alcohol (i.e., between 8:00 a.m. and 10:00 p.m. on Monday through Saturday and between 10:00 a.m. and 6:00 p.m. on Sunday, but not on Thanksgiving Day, Christmas, and New Year's Day). Permittees may sell up to 196 ounces of beer to any person on any day sales are allowed.

Unfinished Wine Bottle Packed to Go (§ 2(c))

The new permit allows a customer to take one unsealed bottle of wine off the premises if the:

1. customer bought a "full course meal" (i.e., diverse foods normally consumed with tableware and that cannot be conveniently eaten while standing or walking) to eat on the premises;
2. wine was unsealed on the premises to be consumed with the meal;
3. customer consumed some of the wine;
4. permittee or his or her agent or employee securely seals the bottle and places it in a bag before the wine is removed from the premises; and
5. remaining wine is consumed off the premises.

Permissible Uses as a Caterer Liquor Permittee (§ 2(d))

Unlike the existing cafe permit, but like a restaurant permit, the act allows a cafe permittee for wine, beer, and cider to have the same allowable uses as a caterer liquor permit at no charge, but subject to the caterer liquor permittee requirements.

By law, caterer liquor permittees may, among other things, sell and serve liquor, beer, spirits, and wine for on-premises consumption, with or without food, at any outside activity, event, or function for which they are hired, for a permit fee of $440. Among other things, the permittee must notify DCP at least one business day before an event of the event's date, hours, and location. The notice must be given on a DCP-prescribed form or, if the caterer is unable to do so due to exigent circumstances, by telephone (CGS § 30-37j).

Extension of Cafe Permittee Abilities (§§ 3-5 & 7-11)

The act also extends to cafe permittees for wine, beer, and cider the same provisions that apply to cafe permittees under existing law. This includes provisions:

1. prohibiting indoor smoking and vaping on permit premises (§§ 3 & 4);
2. allowing them to sell and deliver sealed beer, wine, and cider for off-premises consumption, subject to certain requirements and limitations (§ 5);
3. allowing them operate a juice bar or similar facility (i.e., an area to serve nonalcoholic beverages to people under age 21) on the permit premises, subject to certain requirements (§ 7);
4. allowing canceled permittees to sell or consign beer and wine to a temporary auction permittee for sale at an auction (§ 8);
5. allowing them to store alcoholic liquor on the premises and at one other secure location registered and approved by DCP (§ 9);
6. exempting them from the law requiring DCP to refuse liquor permits to certain people (e.g., certain law enforcement officials and minors) (§ 10);
7. allowing them to (a) be a permittee or backer of any other or all of the classes, and (b) hold a seasonal outdoor open-air or an outdoor open-air permit (§ 11); and
8. prohibiting a manufacturer permittee for beer and his or her spouse or child from being a holder or backer of more than three cafe permits for wine, beer, and cider (§ 11).

§ 6 — SPIRITS CLASSES, DEMONSTRATIONS, AND SAMPLES BY PACKAGE STORE PERMITTEES

The act allows package store permittees to charge for spirits education and tasting classes and demonstrations. Existing law allows them to provide free spirit samples for tastings, but limits the fee-based classes and demonstrations to wine only.

The act also limits the amount of spirits that may be provided to customers by prohibiting the permittee or backer (i.e.,

proprietor) from offering or giving any customer for sampling or tasting per day (1) more than one-half ounce of any single spirit or (2) a total of more than two ounces per day. It also prohibits them from providing the tastings at below cost (i.e., posted bottle price plus delivery charge).

As under existing law for wine classes or demonstrations, the spirit classes and demonstrations must be held on the permit premises and held during the hours a package store may sell alcoholic liquor.

PA 24-95—SB 200
General Law Committee

AN ACT CONCERNING SOCIAL EQUITY APPLICANTS, INFUSED BEVERAGES AND MODERATE-THC HEMP PRODUCTS

SUMMARY: This act makes several changes to the THC-infused beverages and moderate-THC product provisions under PA 24-76. Among other things, it:

1. sets a new deadline of July 1, 2024, rather than October 1, 2024, after which infused beverages may be only sold at package stores and specified cannabis establishments (dispensary facilities, hybrid retailers (i.e., licensed to sell both recreational cannabis and medical marijuana), and retailers);
2. eliminates an exception from the underlying act that exempted package stores and cannabis establishments from certain inventory, reporting, and fee requirements; and
3. lowers the moderate-THC product vendor application and renewal fee to $1,000 (from $2,000 in the underlying act) for hemp manufacturers and exempts them from certain related requirements (i.e., disclosures and minimum sales requirements).

Finally, the act establishes a nine-member task force to study the effect of allowing certain social equity cultivator applicants to (1) enter into business agreements to cultivate cannabis on a hemp cultivator's lots and facilities outside disproportionately impacted areas and (2) form other business arrangements to facilitate market entry for, and the commercial viability of, their prospective businesses.

EFFECTIVE DATE: Upon passage, except the moderate-THC provision is effective January 1, 2025.

§§ 2 & 3 — THC-INFUSED BEVERAGES

PA 24-76, §§ 1, 4, 6, 23 & 26-35, among other things, establishes "infused beverages" as a new category of "THC product beverage" and only allows specified cannabis establishments and package stores to sell them. (Under that act, an "infused beverage" is, broadly, a non-alcoholic beverage that contains a total THC content of less than three milligrams (mgs) per container, which must be 12 fluid ounces.) It also establishes restrictions on "legacy infused beverages," which are broadly the same as infused beverages except their total THC is not capped at three mgs and they must comply with the Responsible and Equitable Regulation of Adult-Use Cannabis Act as of June 30, 2024.

Cannabis Establishments and Package Stores

Beginning October 1, 2024, PA 24-76, § 28, limits infused beverage sales to package stores and specified cannabis establishments and imposes certain testing and manufacturing requirements. Under this act, though, no other businesses may sell infused beverages or legacy infused beverages at retail beginning on July 1, 2024. The act also eliminates a provision that would have effectively allowed other businesses to sell these beverages after October 1, 2024, if they satisfied the inventory, reporting, and fee requirements discussed below.

Inventory, Reporting, and Fee Requirements

Beginning May 15, 2024, PA 24-76, § 29, requires certain businesses to comply with inventory and filing requirements before they can sell any infused or legacy infused beverages. They must, (1) by May 14, 2024, take inventory of the containers they own and possess, and (2) by June 15, 2024, submit to the Department of Consumer Protection (DCP) a report with the inventory results and a fee of $1 per container in the inventory. It exempted from these requirements specified cannabis establishments and package stores.

This act (1) specifies that these requirements apply to businesses selling these beverages at retail and (2) eliminates the exemption for the cannabis establishments and package stores, thus subjecting them to the inventory and reporting requirements and possible disciplinary actions if they fail to comply (e.g., license revocation or suspension).

Infused Beverage Waiver

PA 24-76, § 30, establishes a waiver process that allows specified cannabis establishments and package stores to sell legacy infused beverages until September 30, 2024. This act specifies that the waiver allows them to sell the beverages in their possession as of May 14, 2024, rather than when the act passed.

§ 4 — MODERATE-THC PRODUCTS

Retail Sales

PA 24-76, §§ 31 & 32, establishes the "moderate-THC hemp product" category (i.e., a manufacturer hemp product that has total THC between one-half mg and five mgs, on a per-container basis). Beginning January 1, 2025, that act only allows cannabis establishments or people who hold a DCP certificate of registration to sell them.

This act specifies that the limitation applies only to retail sales to consumers. It does not apply to wholesale or commercial distribution of these products for resale (i.e., entities other than cannabis establishments and certificate holders may be eligible to commercially distribute them for resale).

Exception for Hemp Manufacturer License Holders

Under PA 24-76, § 31, a person seeking a certificate of registration as a moderate-THC hemp vendor must submit to DCP an application with a $2,000 non-refundable fee. Annual renewal fees are the same amount. Among other things, applicants must also generally meet a minimum sales requirement (i.e., 85% of their average monthly gross revenue must come from, or be likely to come from, retail sales of moderate-THC hemp products) and disclose information showing they meet it.

This act lowers the application and renewal fees to $1,000 for applicants that actively hold a hemp manufacturer license (i.e., those that manufacture, handle, store, and market manufacturer hemp products). It also exempts them from the minimum sales and disclosure requirements.

§ 1 — TASK FORCE TO STUDY CERTAIN SOCIAL EQUITY CULTIVATOR APPLICANTS PARTNERING WITH HEMP CULTIVATORS

Under an existing law, DCP opened a three-month application period for social equity applicants to apply for a provisional and final cultivator license for a facility located in a disproportionately impacted area without participating in a lottery or request for proposals (CGS § 21a-420o).

The act establishes a nine-member task force to study the effect of allowing these social equity applicants to (1) enter into business agreements to cultivate cannabis on a hemp cultivator's lots and facilities that may be located outside disproportionately impacted areas and (2) form other business arrangements to facilitate market entry for, and the commercial viability of, their prospective businesses. The study may include an examination of (1) land and facility use agreements and (2) forms of partnerships or other joint business participation.

As shown in the table below, the act specifies the authorities that must appoint members and qualifications members must have. The task force also includes the DCP commissioner or his designee, but the designee must be a DCP employee and have been a resident of a disproportionately impacted area.

Task Force Member Appointments and Qualifications

Appointing Authority	*Member Qualification*
House speaker	Representative on the General Law Committee whose district includes a disproportionately impacted area
Senate president pro tempore	Senator on the General Law Committee whose district includes a disproportionately impacted area
House majority leader	Social equity applicant for the cultivator license as described above for outdoor grow
Senate majority leader	Social Equity Council member appointed by the Senate majority leader or any other General Assembly member

Appointing Authority	*Member Qualification*
House minority leader	Cannabis producer who has been continually licensed since January 1, 2023, and is located outside a disproportionally impacted area
Senate minority leader	Social Equity Council member appointed by the Senate minority leader or any other General Assembly member
Black and Puerto Rican Caucus chairperson (two appointments)	One House and one Senate member

The act requires the appointing authorities to make all initial appointments within 30 days after the act's passage (i.e., by June 10, 2024) and fill any vacancies.

The House speaker and Senate president pro tempore must select the task force chairpersons from among the members. The chairpersons must schedule and hold the first meeting by July 10, 2024. The General Law Committee's administrative staff must serve as the task force's administrative staff.

The act requires the task force to submit a report on its findings and recommendations to the General Law Committee by January 1, 2025. The task force terminates on that date or when it submits the report, whichever is later.

PA 24-101—sSB 201
General Law Committee
Judiciary Committee

AN ACT CONCERNING UNFAIR REAL ESTATE LISTING AGREEMENTS AND THE CONNECTICUT UNFAIR TRADE PRACTICES ACT

SUMMARY: This act prohibits real estate listing providers from entering into "unfair real estate listing agreements" with residential property owners, makes these agreements unenforceable, and makes violations of this prohibition an unfair or deceptive trade practice under the Connecticut Unfair Trade Practices Act (CUTPA). The act prohibits these agreements from being recorded or rerecorded in the land records and establishes certain legal remedies for property owners if they are recorded. It also requires real estate listing providers that previously entered into certain real estate listing agreements to (1) rerecord the agreements on the land records in order for them to remain enforceable and (2) notify certain individuals and officials of any assignment of rights under these agreements. The act allows anyone to petition the court to declare an agreement void and unenforceable.

The act authorizes the Department of Consumer Protection (DCP) to investigate violations and enforce the terms of an "assurance of voluntary compliance" under CUTPA and makes these violations a willful CUTPA violation. It also allows these assurances to require the payment of investigative costs.

EFFECTIVE DATE: July 1, 2024, except the assurance of voluntary compliance provisions are effective upon passage.

§§ 1-6 — UNFAIR REAL ESTATE LISTING AGREEMENTS

Prohibition on Entering Into Unfair Real Estate Listing Agreements (§§ 1 & 2)

The act prohibits real estate listing providers from entering into "unfair real estate listing agreements" with persons (i.e., people, businesses, and other organizations) who hold an interest in residential property with one to four units.

Under the act, an "unfair real estate listing agreement" is a contract entered into on or after July 1, 2024, under which a real estate listing provider (someone who provides, or agrees to provide, a real estate listing under the agreement) is not required to perform any part of the listing within one year of entering into the agreement and the agreement:

1. claims to run with the land or bind the property's future owners;
2. allows the real estate listing provider to assign the rights to provide the listing under the agreement without prior notice to, or consent from, the property owner; or
3. claims to create a lien, encumbrance, or security interest in the property.

The act makes these unfair real estate listing agreements unenforceable and CUTPA violations.

Prohibition on Recording Unfair Real Estate Listing Agreements in the Land Records (§ 3)

The act (1) prohibits anyone from taking action to record or rerecord unfair real estate listing agreements or any notices or memoranda about these agreements in the land records and (2) allows town clerks to refuse to receive these documents for recording or rerecording. Under the act, any agreements, notices, or memoranda that are recorded or rerecorded are not considered to give actual or constructive notice to the applicable property's purchaser or creditor.

Court Order to Declare an Unfair Real Estate Listing Agreement Void and Unenforceable (§ 5)

If an unfair real estate listing agreement (or notice or memorandum about the agreement) is recorded or rerecorded, the act allows any person who holds an interest in the property or the attorney general to petition the Superior Court for an order declaring the agreement void and unenforceable. The petition must include the:

1. address of the residential real property;
2. name, address, and phone number of the real estate listing provider who is a party to the agreement;
3. name and address of each person known to hold an interest in the property; and
4. name of the town and volume and page number of the land records where the agreement, notice, or memorandum is recorded or rerecorded.

Upon filing a petition, the petitioner must give reasonable notice of the filing to the attorney general and anyone holding an interest in the property. The petitioner must include in the complaint a statement certifying that the petitioner has provided reasonable notice. The statement must include the (1) names of all persons who hold an interest in the residential real property, if known; (2) nature of their interests; and (3) way in which the petitioner gave the reasonable notice. If the petitioner does not provide reasonable notice, the court may direct the petitioner to do so and require the petitioner to certify to the court that the petitioner did so.

The act requires the court, while reviewing the petition, to only consider evidence as to whether the real estate listing provider recorded or rerecorded, or caused to be recorded or rerecorded, an unfair real estate listing agreement, notice, or memorandum. The court may issue an order declaring the agreement, notice, or memorandum void and unenforceable once it is shown that it does not comply with the act's provisions on unfair real estate listing agreements. The order must (1) include the volume and page number of the land records where the agreement, notice, or memorandum is recorded or rerecorded, and (2) direct the applicable town clerk to discharge the recording or rerecording as void and unenforceable.

Under the act, if an unfair real estate listing agreement (or notice or memorandum of the agreement) is recorded or rerecorded, anyone with an interest in the property may recover the actual damages, costs, and attorney's fees that may be proven against the real estate listing provider that recorded or rerecorded the agreement. These actual damages, costs, and attorney's fees are in lieu of any damages, costs, and attorney's fees awarded because of any CUTPA enforcement action.

Requirement to Rerecord Prior Real Estate Listing Agreements (§ 4)

By July 31, 2024, the act requires real estate listing providers that entered into real estate listing agreement on or before June 30, 2024, to rerecord the agreement and record a notice of it with the town clerk of the town where the residential property is located if the agreement (1) claims to run with the land or bind future holders of interest in the property; (2) allows for any assignment of any right to list the property without first notifying and gaining consent from the property's owner; or (3) claims to create any lien, encumbrance, or other security interest in the property. The notice must include:

1. the title "Notice of Real Estate Listing Agreement" printed in at least 14-point bold type;
2. a legal description of the property subject to the agreement;
3. the amount or method of calculating the fee, as specified in the agreement;
4. the agreement's expiration date or circumstances under which it will expire; and
5. the real estate listing provider's name, address, telephone number, and notarized signature (or that of its authorized officer or employee, as applicable).

If a real estate listing provider fails to rerecord the agreement and record the notice by July 31, 2024, the agreement is void and unenforceable, and any interest in the applicable property may be conveyed free and clear of the agreement.

Notice of Assignment of Real Estate Listing Provider's Rights (§ 6)

The act requires real estate listing providers who record or rerecord an unfair real estate listing agreement, notice, or memorandum (including those recorded before July 1, 2024) and assign the real estate listing provider's rights under the agreement to provide notice of this assignment, within 30 days of the assignment, to:

1. any person who holds an interest in the property that is subject to the agreement,
2. the town clerk of the town where the applicable property is located, and
3. the attorney general.

§§ 7-9 — ASSURANCES OF VOLUNTARY COMPLIANCE UNDER CUTPA

The act authorizes the DCP commissioner to investigate violations of and enforce the terms of an assurance of voluntary compliance and ask the attorney general to apply to the Superior Court for relief in the same way as the law allows for CUTPA violations. The act also makes these violations a willful violation under CUTPA. In doing so, it allows the attorney general to ask the court to impose a civil penalty of up to $5,000 for each violation.

The act also allows DCP, as part of an assurance, to require the person agreeing to the assurance to pay for investigative costs. Existing law allows assurances to include restitution.

BACKGROUND

CUTPA

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner, under specified procedures to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than $10,000, imposes civil penalties of up to $5,000, 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.

PA 24-115—sHB 5235
General Law Committee

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING CANNABIS REGULATION

SUMMARY: This act effectively prohibits "synthetic cannabinoids" by requiring the Department of Consumer Protection (DCP) to classify them as a schedule I controlled substance (i.e., a drug with no current accepted medical use and a high potential for abuse) and removing it from the statutory definition of "cannabis" and "marijuana." The act also redefines synthetic cannabinoids and prohibits cannabis establishments from selling them. Under the act, synthetic cannabinoids are prohibited in cannabis.

The act also redefines (1) "cannabis," "marijuana," and "cannabis-type substances" by removing the plant's seeds from prior law's definition and (2) "manufactured cannabinoids" by specifying the process by which they are created rather than defining them based on their natural structure or effect.

The act additionally makes the following unrelated changes, it:

1. expands the types of entities to which a cultivator may sell, transfer, or transport its cannabis;
2. allows edible cannabis products to be packaged for multiple servings in a specific way;
3. requires cannabis labeling and packaging information to comply with labeling requirements under both state and federal law, rather than either;
4. specifies that "financial interest" is what existing law prohibits certain government individuals with oversight over cannabis from having; and
5. specifies that state hemp laws do not prohibit hemp that is lawfully produced under federal law from being shipped or transported through the state.

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

EFFECTIVE DATE: Upon passage, except the medical marijuana technical changes (§ 3) are effective October 1, 2024.

§ 1 — CANNABIS, MARIJUANA, AND CANNABIS-TYPE SUBSTANCES

The act narrows the statutory definition of "cannabis" and "marijuana" by removing from the definition (1) the seeds and (2) synthetic cannabinoids, including the prior exemption of certain synthetic cannabinoids. Under existing law, the terms "cannabis" and "marijuana" have the same meaning.

The act also makes conforming changes to the definition of "cannabis-type substances" by correspondingly deleting references to seeds.

§§ 1-2 & 6 — SYNTHETIC CANNABINOIDS

In addition to removing synthetic cannabinoids from the cannabis and marijuana definition, the act redefines this term by specifically excluding manufactured cannabinoids (see below) and making other minor technical changes. It also requires the DCP commissioner to designate synthetic cannabinoids as a schedule I drug under the state Controlled Substances Act's regulations, which subjects them to all state laws on controlled substances.

The act explicitly prohibits (1) synthetic cannabinoids in cannabis and (2) cannabis establishments from selling them. Existing law already prohibits manufacturer hemp products (i.e., generally those intended for human ingestion, inhalation, absorption, or other internal consumption) containing synthetic cannabinoids from being offered for sale in Connecticut or to a Connecticut consumer (CGS § 22-61m(v)).

The act redefines "synthetic cannabinoid" to mean any substance converted by a chemical process to create a cannabinoid or cannabinoid-like substance that has (1) structural features that allow interaction with at least one of the known cannabinoid-specific receptors or (2) any physiological or psychotropic response on at least one cannabinoid-specific receptor. It includes hexahydrocannabinol (HHC and HXC) and hydrox4phc (PHC), but does not include manufactured cannabinoids (see below).

Under prior law, "synthetic cannabinoid" meant any material, compound, mixture, or preparation containing any quantity of a substance having a psychotropic response primarily by agonist activity at cannabinoid-specific receptors affecting the central nervous system that was produced artificially and not derived from an organic source that naturally contains cannabinoids, unless listed in another controlled substance schedule.

§ 1 — MANUFACTURED CANNABINOIDS

The act redefines "manufactured cannabinoids" to specify how they are created rather than basing the definition on their natural structure or the effect they have. Under the act, these are cannabinoids created by directly converting one cannabinoid to a different cannabinoid through (1) the application of light or heat, (2) decarboxylation of naturally occurring acidic forms of cannabinoids, or (3) an alternate extraction or conversion process that DCP approves and publishes on its website.

Under prior law, manufactured cannabinoids were cannabinoids naturally occurring from a source other than marijuana that were similar in chemical structure or physiological effect to marijuana-derived cannabinoids, but derived by a chemical or biological process.

§ 4 — CULTIVATORS

The act expands the entities to which a cultivator may sell, transfer, or transport its cannabis by allowing a cultivator to do so to all cannabis establishments, rather than just to dispensary facilities, hybrid retailers, retailers, food and beverage manufacturers, product manufacturers, and product packagers, as under prior law. By law, a "cannabis establishment" is a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (one licensed to sell both recreational cannabis and medical marijuana), food and beverage manufacturer, product manufacturer or packager, delivery service, or transporter.

Under existing law, unchanged by the act, a cultivator may also sell, transfer, or transport its cannabis to cannabis testing laboratories and research programs.

§ 5 — EDIBLE CANNABIS PACKAGING & CANNABIS LABELING

Existing law requires the DCP commissioner to adopt various cannabis-related regulations, including those on specified packaging and labeling requirements. Under prior law, these regulations had to require edible cannabis products to be individually wrapped. Under the act, the regulations must instead allow these products to be packaged for multiple servings if each single standardized serving is easily discernable and is individually wrapped or physically demarked and delineated.

Additionally, under the act, these regulations must require all information needed to comply with labeling requirements imposed under both state and federal law, rather than either, as under prior law. (Existing law specifies certain applicable state and federal labeling laws that must be complied with.)

§ 7 — SOCIAL EQUITY COUNCIL PROHIBITED FINANCIAL INTERESTS

Under prior law, Social Equity Council members and employees and certain DCP employees with cannabis oversight could not, among other things, have any interest in cannabis purchases or sales made by authorized individuals.

The act (1) specifies that it is any "financial interest" that is prohibited and (2) limits the prohibition to purchases or sales made by licensed cannabis establishments rather than by all individuals.

§ 8 — TRANSPORTING HEMP THROUGH THE STATE

The act specifies that nothing in the state hemp laws should be construed to prohibit any hemp shipment or transportation through the state if the hemp was lawfully produced under federal law.

Federal law explicitly prohibits states from prohibiting hemp or hemp products produced in keeping with federal law from being shipped or transported through the state (P.L. 115-334, § 10114(b)).

BACKGROUND

Related Act

PA 24-76, has substantially similar provisions redefining certain terms, allowing multiple-serving edibles, and allowing the transport of lawfully produced hemp through the state.

PA 24-142—sHB 5236
General Law Committee
Banking Committee

AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF CONSUMER PROTECTION

TABLE OF CONTENTS:

§ 15 — ELECTRONIC PRICE SCANNING AND GET ONE FREE LAWS

Extends the application of certain electronic price scanning, price labeling, and "get one free" laws; requires price scanner reinspection fees to be paid before the reinspection

§ 16 — EXEMPTION FROM GET ONE FREE LAW FOR COMMODITIES WITHOUT BAR CODES

Additionally subjects smaller businesses to the state's "get one free" law for consumer commodities without bar codes

§§ 17 & 18 — FOOD, DRUG, AND COSMETIC SEIZURES AND EMBARGOES

Amends the process for DCP's food, drug, and cosmetic seizures and embargoes by, among other things, allowing the commissioner to extend an embargo period, requiring him to destroy certain articles, and increasing certain penalties

§§ 19-24 — HEALTH CLUBS

Makes various changes to the health club laws, including updating contract requirements, eliminating a penalty provision, allowing DCP to make guaranty fund payments for uncontested cases without a hearing, and amending certain notice requirements

§ 25 — HARDSHIP EXEMPTIONS FROM WELL DRILLING WATER REQUIREMENTS

Transfers, from the plumbing and piping work examining board to local health directors, authority to grant hardship exemptions from well drilling requirements related to the purity, potability, and safeguarding of well water

§ 26 — CONNECTICUT UNFAIR TRADE PRACTICES ACT (CUTPA)

Allows DCP to receive electronic copies of documents of anyone being investigated or proceeded against under CUTPA; gives DCP additional options for sending certain investigative and enforcement documents; allows testimony in CUTPA proceedings to be recorded rather than transcribed and eliminates the requirement that it be filed with DCP; allows DCP to impose a civil penalty of up to $5,000 for CUTPA violations

§ 27 — RETURN OR EXCHANGE POLICIES

Establishes new requirements for businesses to post and disclose their refund and exchange policies and requires these policies to include specified disclosures

§ 28 — NOTICE OF HEARING FOR CERTAIN PAYMENT TYPE VIOLATIONS

Specifies that DCP must provide a notice and hold a hearing before issuing a fine for specified violations related to surcharges, minimum transaction amounts, and discounts based on certain payment methods

§§ 29-52 — PUBLIC WEIGHMASTER

Renames a "licensed public weigher" as a "public weighmaster" and replaces "licensed public weigher" with "public weighmaster" in statutes; increases the maximum penalty for violating related laws

§ 53 — E-CIGARETTE PENALTIES PAID BY MAIL

Allows certain e-cigarette penalties to be paid by mail to the Centralized Infractions Bureau without appearing in court

§§ 53 & 91 — REPEAL OF VARIOUS PROVISIONS ON MAKING AND SELLING CERTAIN STAPLE FOODS

Repeals duplicative statutes related to food standards for certain staple foods (e.g., flour, bread, rolls); increases the penalties by imposing the Uniform Food, Drug and Cosmetic Act penalties

§§ 54, 56 & 59-61 — BUSINESS ENTITIES

Explicitly subjects specified types of business entities to the Liquor Control Act by defining them as "business entities" under the act; makes conforming changes

§ 55 — FRANCHISOR OR LANDLORD PROFITS

Generally allows a franchisor or landlord to receive profits from alcoholic liquor sales from a franchisee or tenant

§ 57 — PACKAGE STORE PERMIT APPLICATIONS AND OPENING DEADLINE

Allows DCP to refuse to accept an incomplete package store permit application or to set a deadline for when a package store must open to the public for continuous operation

§ 58 — WHOLESALER TERMINATION OR ADDITIONAL APPOINTMENT NOTICE

Allows DCP to prescribe how a manufacturer or out-of-state shipper permittee must notify the department when it wants to terminate or diminish a wholesaler's territory or appoint an additional one

§ 61 — DONATIONS

Expands the permittees that may donate to a noncommercial entity permittee and allows all of them to offer tastings

§ 62 — APPLICATION-RELATED INVESTIGATIONS

Allows DCP to investigate an applicant's backer and the suitability of a proposed permit premises

§§ 63 & 67-69 — PENALTIES AND DCP AUTHORITY

Allows DCP to impose additional fines; extends certain existing penalties to applicants and certain backers (e.g., disciplinary actions on the permit, fines, compromise instead of suspension); allows applicants to appeal a denied permit application

§ 64 — HOLDING TWO PERMITS

Allows (1) certain out-of-state shipper permittees to also hold an out-of-state retailer shipper's permit for wine and (2) a restaurant permittee to hold a Connecticut Craft Cafe permit

§ 66 — PORTION OF BUILDING USED AS PERMIT PREMISES

Allows permittees where a portion of the building is not used as a permit premises to separate the portion rather than have it effectively closed

§ 70 — CONSUMER BARS AND CONSUMER SERVICE BARS

Allows, rather than requires, DCP to adopt regulations on consumer bars; allows DCP to adopt regulations to allow more than one consumer service bar (i.e., place where food is primarily ordered)

§ 71 — NUISANCE AND EMBARGOING OR CONFISCATING CERTAIN ITEMS

Allows DCP to (1) confiscate alcoholic liquor that has been deemed a nuisance and (2) embargo and confiscate certain items during an investigation or inspection (e.g., unauthorized gambling device, unauthorized pharmaceuticals)

§ 72 — IMMUNITY FOR MINORS PARTICIPATING IN ENFORCEMENT ACTIONS

Indemnifies and grants immunity to minors who participate in DCP alcohol-related investigations and enforcement actions

§ 73 — STATEMENT OF PURCHASER'S AGE

Updates a required statement by alcohol purchasers whose age is in question and gives permittees an electronic alternative

§ 74 — LOITERING

Generally prohibits permittees from allowing intoxicated people to loiter on permit premises

§§ 75 & 76 — LOTTERY TESTING AND CERTIFICATION

Requires the lottery system and games to be tested and certified by an independent third party

§§ 75 & 78 — LOTTERY VENDOR REPORTING

Requires vendor licensees to report lottery system incidents directly to DCP

§§ 75 & 78-82 — LOTTERY SALES AGENTS

Specifies that lottery sales agents do not sell lottery tickets or offer keno over the Internet; extends existing provisions for other lottery related licensees to them; requires the "person in charge" of the agent to give DCP certain information and submit to a criminal history records check

§§ 77, 79 & 84 — CASINO GAMING AND SPORTS WAGERING ADVERTISING

Imposes additional advertising restrictions and requirements on certain gaming licensees, including prohibiting some of them from entering into agreements with a third party to conduct advertising or marketing where compensation is based on certain outcomes (e.g., how many people become patrons or amount wagered)

§ 78 — LOTTERY AFFILIATE LICENSES

Specifies that certain CLC contractors must have an affiliate license

§§ 78, 79, 83 & 86 — PROVISIONAL LICENSE AUTHORIZATIONS

Authorizes the DCP commissioner to give provisional authorizations to lottery occupational, key employee, live game employee, and parimutuel occupational license applicants.

§ 79 — KEY EMPLOYEES

Makes changes to who is considered a key employee for gaming licensure purposes

§ 85 — WAGERING RESTRICTIONS

Broadens certain prohibitions on sports wagering to apply to any type of wagering and extends one of them to live game employees

§§ 86 & 87 — PARIMUTUEL GAMING LICENSES

Statutorily separates many of the existing parimutuel gaming licenses into two categories and specifies which type of occupational licenses certain individuals must obtain

§ 88 — DCP INVESTIGATORS AND INTERNET GAMES

Expands the jurisdiction of certain DCP investigators to include investigating and making arrests for any offense arising from Internet games

§§ 89 & 90 — PROHIBITIONS ON ANIMALS AS PRIZES AND FOR SOLICITATIONS AND BUSINESS ATTRACTIONS

Specifies that bazaars and raffles may not use animals as prizes; prohibits reptiles from being a prize or award for operating any game or device; specifies that an animal includes a fish for certain prohibited solicitations, gaming prizes and awards, and business attractions

SUMMARY: This act makes various changes in the Department of Consumer Protection's (DCP) laws on credentialing and enforcement, alcoholic liquor, and gaming.
EFFECTIVE DATE: Upon passage, unless otherwise specified.

§§ 1-3 — HOME IMPROVEMENT CONTRACTORS AND ACCESS TO GUARANTY FUND

Explicitly allows consumers to recover from the guaranty fund when the HIC is a business entity and explicitly authorizes DCP to discipline an HIC or salesperson for doing home improvement work without a proper contract

Home Improvement Guaranty Fund (§§ 1 & 3)

The act explicitly allows consumers who suffer losses or damages because of a home improvement contractor (HIC) to recover from the Home Improvement Guaranty Fund in situations where the registered HIC is a business entity. Specifically, the act allows consumers to recover from the fund when they have a decision, court judgment, order, or decree naming the entity's proprietor, rather than only the registrant, as under prior law.

Under the act, a "proprietor" is any person who (1) has an ownership interest in a business entity that holds or has held an HIC certificate and (2) a competent court has found to have violated any provision related to the conduct of a business entity holding or that has held an HIC certificate within two years of the effective date of entering into a contract with an owner harmed by the individual or business entity's actions.

Under the act, whenever the commissioner orders payment to an owner from the guaranty fund against a proprietor, the proprietor and the business entity that holds or held an HIC certificate is liable for the resulting debt to the guaranty fund.

By law, the Home Improvement Guaranty Fund reimburses up to $25,000 per claim to consumers who cannot recover losses caused by registered HICs for contracts valued over $200.

Under the act, whenever the commissioner orders payment to an owner from the guaranty fund against a proprietor, the proprietor and the business entity that holds or held an HIC certificate is liable for the resulting debt to the guaranty fund.

The act also makes related technical and conforming changes.

DCP Enforcement (§ 2)

By law, if an HIC or salesperson violates any provision of the state's home improvement laws the DCP commissioner may revoke, suspend, refuse to issue or renew their registration; put them on probation; or reprimand them. The act explicitly authorizes the commissioner to take these disciplinary actions against them for engaging in or practicing home improvement work without a contract containing provisions required by a specific home improvement statute.

Under this statute, HICs must provide a completed copy of a home improvement contract at the time it is executed. It also requires contracts to include certain provisions for them to be enforceable. Among other things, they must be in writing, include the entire agreement, and be dated and signed by both parties with starting and completion dates (CGS § 20-429).

§§ 4, 5 & 7-12 — APPRAISAL MANAGEMENT COMPANIES

Makes various changes to the appraisal management company statutes to conform to a federal audit of Connecticut's regulatory program

Federally Regulated Appraisal Management Companies (§§ 4, 5 & 7-11)

Federal law imposes certain requirements for states' regulation of appraisal management companies (specifically, Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989). The act makes several changes in state law to implement recommendations in a federal audit of Connecticut laws. Specifically, it:

1. restructures a registration exemption for appraisal management companies that are a subsidiary owned and controlled by a financial institution regulated by a federal financial institution regulatory agency (i.e., any bank or savings association that is Federal Deposit Insurance Corporation (FDIC) insured and regulated by the Office of the Comptroller of the Currency, the Federal Reserve System governors, or the FDIC) and
2. requires DCP to collect and transmit to the federal Appraisal Subcommittee annual registry fees from registration-exempt subsidiaries of a federally regulated financial institution.

Regulations (§ 12)

The act expands the DCP commissioner's authority to adopt regulations on appraisal management companies. It does so by allowing him to adopt regulations on investigating appraisal management company violations and the act's

requirements for federally regulated appraisal management companies.

§ 6 — REAL ESTATE APPRAISAL BUSINESS PENALTIES

Builds on existing penalties for those who engage in the real estate appraisal business without a credential by subjecting them to civil penalties and making them ineligible for a credential for one year after a final hearing decision

Under existing law, anyone who engages in the real estate appraisal business without a certification or provisional license is (1) subject to a fine up to $1,000, up to six months imprisonment, or both, and (2) ineligible to obtain a certification or provisional license for one year after being convicted.

The act further subjects these violators to civil penalties after a DCP administrative hearing. It also makes violators ineligible to obtain a certification or provisional license for one year from the date of a final decision rendered after the hearing. (Prior law only imposed this penalty if there was a conviction.)

However, by law and under the act, the Connecticut Real Estate Appraisal Commission may grant a certification or provisional license to a violator during his or her one-year ineligibility period upon application and after a hearing.

§ 13 — MOBILE MANUFACTURED HOME PARK INDEPENDENT INSPECTIONS

Adds procedures and other requirements for when DCP orders independent inspections of mobile manufactured home parks, including (1) allowing DCP to require inspectors to have training or be licensed and address specific issues in their inspection and (2) creating reporting deadlines for park owners

By law, as part of an inspection or investigation, DCP may order a mobile manufactured home park owner to have an independent inspection report prepared, at the owner's cost, that assesses the condition and potential public health impact of a condition at the park (e.g., the condition of trees and electrical, plumbing, or sanitary systems). The act adds several procedures and requirements related to this authority.

Inspector Qualifications and Other Changes

Under the act, for these independent inspection reports, DCP may require the (1) person completing the report to have training or be licensed in a particular area related to the ordered inspection and (2) report to specifically address particular areas of, or issues affecting, the park that DCP is concerned with.

If DCP requires the person completing the report to be trained or licensed in a particular area, it must include the requirement in the first order it issues to the owner requiring the report.

The owner must submit proof of compliance with the above requirements when he or she submits the independent inspection report to the department.

Notification Procedure

Under the act, if DCP orders an owner to get an independent inspection report as part of his or her license application or renewal, the department must issue the order to the owner's email address from his or her most recent DCP application. The order must describe the condition or conditions that the owner must further assess.

Additional Report Procedures and Requirements

The act requires the owner to obtain and submit to DCP an independent inspection report within 30 days after the department's order for it, unless the commissioner or his designee approves a later date in writing.

The report must include an assessment of all conditions outlined in the DCP order concerning conditions posing a risk to public health and safety. It must also assess the severity of the conditions and have a detailed plan of action to remedy each one.

The act requires owners, within 10 days after receiving the report, to give DCP a written, detailed plan to remedy the assessed condition. The plan must at least include a specific timeline, proposed contractors, and a budget.

§ 14 — RENEWALS AND INCOMPLETE APPLICATIONS FOR CREDENTIALS

Gives DCP discretion in whether to accept renewal applications after a credential has expired; requires applicants to pay all outstanding fees before renewal; allows DCP to consider certain incomplete applications expired and withdrawn

The act makes several changes affecting applications for DCP licenses, permits, certificates, and registrations (collectively, "credentials"). Existing law allows the DCP commissioner to impose a late fee on any applicant who fails to renew a credential before it expires. Under the act, before the commissioner renews the credential, the applicant must pay all outstanding fees owed to DCP, including the late fee.

Under prior law, if a renewal application was submitted within 90 days after the credential's expiration, the applicant had to pay the late fee, but did not need to apply for reinstatement. The act instead gives DCP discretion in whether to accept the renewal application if it is submitted in the same timeframe. It also expressly prohibits any lapsed-credential holder from engaging in any activity that requires an active credential without DCP approving the renewal application for the credential.

Unless waived by DCP in writing, the act allows the department to deem any incomplete application to have expired and been withdrawn six months after it was submitted. By law, application fees are generally non-refundable.

§ 15 — ELECTRONIC PRICE SCANNING AND GET ONE FREE LAWS

Extends the application of certain electronic price scanning, price labeling, and "get one free" laws; requires price scanner reinspection fees to be paid before the reinspection

Entities Covered

The act extends certain electronic price scanning, price labeling, and "get one free" laws to all business entity types that use universal product coding or an electronic pricing system. But except as noted below, the act does not change other requirements or exemptions under these laws. Prior law specified these laws applied to persons, associations, corporations, firms, and partnerships.

The scanning and labeling law generally requires businesses that use universal product codes (UPC) to total purchases to mark each consumer commodity with a UPC with its retail price. And businesses with a retail sales area over 10,000 square feet that use an electronic pricing system to total a consumer's purchases must generally have an item-by-item digital display that a consumer can see as each UPC is scanned.

Under the "get one free" law, consumers are generally entitled to receive a consumer commodity for free, up to a $20 value, if its electronically scanned price is higher than its posted price.

A "consumer commodity" is any food, 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-79(a)).

Payment of Reinspection Fee

In cases where DCP must reinspect a business's price scanners because they are less than 98% accurate during a price accuracy inspection, the act specifies that the $250 reinspection fee must be paid before reinspection.

§ 16 — EXEMPTION FROM GET ONE FREE LAW FOR COMMODITIES WITHOUT BAR CODES

Additionally subjects smaller businesses to the state's "get one free" law for consumer commodities without bar codes

The act expands the number of businesses subject to the state's other "get one free" law that is generally applicable to "consumer commodities" without bar codes, including retail foods that must be weighed at purchase. Under this law, certain businesses generally must give the commodity to a consumer for free, up to a $20 value, if its price at the point of sale is higher than its advertised or posted price.

Prior law included a broad exemption that applied to any person, association, corporation, firm, or partnership operating in a retail sales area that had 10,000 square feet or less. The act narrows this exemption by decreasing the maximum qualifying retail sales area to 1,500 square feet.

§§ 17 & 18 — FOOD, DRUG, AND COSMETIC SEIZURES AND EMBARGOES

Amends the process for DCP's food, drug, and cosmetic seizures and embargoes by, among other things, allowing the commissioner to extend an embargo period, requiring him to destroy certain articles, and increasing certain penalties

The act makes several changes regarding DCP's authority to enforce the Connecticut Food, Drug and Cosmetic Act. Existing law generally allows the DCP commissioner or his authorized agent to attach a tag or other appropriate marking to any food, drug, device, or cosmetic for sale or distribution that he or she has probable cause to believe violates the act and thus embargo the article.

Embargo Notice

Under prior law, when DCP attached a tag or other appropriate marking it functioned as notice to the common carrier or other person in custody of the article that it was, or was suspected of being, in violation of the act and had been embargoed. The act instead requires DCP to give written notice before or when the article is embargoed. As under existing law, DCP must also tag or otherwise mark the item.

Embargo Extension and Civil Action to Continue

The act allows the commissioner to extend an article's embargo period if a reinspection of it indicates the violation has continued. He must do this within 21 days of the embargo, which was prior law's deadline to either remove the embargo or bring a summary proceeding in court for its confiscation. If he has not extended the embargo, the act instead allows DCP to take the following actions within 21 days to formally embargo (pending approval to confiscate or destroy) the article: (1) commence a summary proceeding under the Uniform Administrative Procedure Act (UAPA) or (2) bring a civil action in Superior Court. It also makes related technical and conforming changes to reflect these two options.

Alteration and Opening of Embargoed Article

The act prohibits anyone from altering or opening an embargoed article without DCP's permission or, after a summary proceeding or civil action has begun, the hearing officer's or court's permission. Existing law already prohibits removing or disposing of embargoed articles.

Complaint

The act eliminates the requirement that summary proceeding complaints be verified by affidavit. It also specifies that the complaint must be against the person who has custody of the article to be embargoed.

Seizure

The act eliminates the requirement that courts issue a seizure warrant for embargoed articles once a verified complaint is filed. It also removes related process requirements about how a person is to be summoned, the hearing procedures, claim filings, and what happens if the seized article is not injurious to health.

Confiscation and Destruction

After a hearing under the UAPA or court proceeding, the act allows, rather than requires, certain articles that violate the act to be confiscated and destroyed. Specifically, DCP may confiscate them or the hearing officer or court can order the respondent or defendant to destroy them at their direction.

Under the act, if there is an adverse ruling against the respondent or defendant, then he or she is liable for all costs and expenses DCP incurred in investigating, containing, removing, monitoring, mitigating, and disposing of the embargoed product, as well as any associated legal expenses.

Embargo or Destroy

Prior law required the commissioner or his authorized agent, whenever he or she found any meat, seafood, poultry, vegetable, fruit, or other perishable article under certain conditions, to promptly condemn or destroy it or make it impossible

to sell as human food. The act replaces the option of condemning the food with embargoing it. As under existing law, the conditions for the food to be embargoed or destroyed are when it is (1) found in a room, building, other structure, or vehicle and (2) unsound; contains any filthy, decomposed, or putrid substance; may be poisonous or harmful to health; or is otherwise unsafe.

Similarly, the act requires the commissioner or his authorized agent, whenever he or she finds any adulterated or insanitary pharmaceutical drug, medical device, or drug paraphernalia under certain conditions, to promptly embargo or destroy it or make it impossible to sell. DCP must do so for these items it finds in a room, building, other structure, or vehicle that are produced, packed, or held under insanitary conditions; unsafe or not shown to be safe; or may be contaminated by filth or be harmful or injurious to health.

Penalty

The act increases the maximum civil penalty that the DCP commissioner may impose on anyone who removes the tag or marking on an embargoed article from $500 to $5,000 and allows him to also penalize those who offer or expose the article for sale. By law, the commissioner may only impose this civil penalty after notice and a hearing, but he may do so for each separate offense.

§§ 19-24 — HEALTH CLUBS

Makes various changes to the health club laws, including updating contract requirements, eliminating a penalty provision, allowing DCP to make guaranty fund payments for uncontested cases without a hearing, and amending certain notice requirements

Exercising Right to Cancel (§ 19)

Existing law requires every health club services contract to be cancelable within three business days after the buyer receives a copy of it. The act allows buyers to notify health clubs that they are opting to cancel the contract by sending the required written notice via delivery tracking, rather than by certified or registered U.S. mail.

The act also modifies the items a health club may ask a buyer to return if they cancel within this three-day period. Under prior law, a club could ask for the return of contract forms, membership cards, and all documents and evidence of membership previously delivered. The act instead only allows clubs to ask for any delivered cards or equipment that were part of the membership.

Medical Disability (§§ 19 & 20)

By law, each contract must allow a buyer who becomes disabled to (1) be relieved of paying for the part of the contract term for which he or she is disabled or (2) extend the contract for the disability's duration, but the club has the right to require and verify reasonable evidence of the disability.

Prior law (1) allowed the club to require a signed certificate by a licensed physician, physician assistant, or advanced practice registered nurse and (2) required the club to include in the contract certain disclosures about a buyer's rights after being disabled. The act (1) eliminates the signed certificate requirement option and instead allows the club to require documentation from one of these professionals or other credentialed medical providers (which the act does not define) and (2) requires the disclosure to state that a buyer may send written notice of the disability electronically.

The act also eliminates provisions (1) allowing the contract to require the buyer to submit to a physical examination by one of these professionals at the health club's expense and (2) requiring the health club to notify the buyer whether it will require the examination.

Cancellation Due to Closure of Closest Location (§ 20)

Prior law allowed a buyer to cancel his or her contract if the health club location where he or she entered the contract ceased operations. The act additionally allows a buyer to do so if the location closest to his or her primary residence ceases operations. As under existing law, buyers may also cancel under the three-day cancellation provision or because they move more than 25 miles away from the club.

Statement of Buyer's Right to Cancel (§ 20)

The act makes conforming changes to the contract's required statement of the consumer's rights to reflect the act's changes on (1) how a contract can be cancelled in the first three days and the items a club may request to be returned, (2) medical disability verification, and (3) canceling a contract when the club location closest to the buyer's primary residence closes. It also increases the required font size from 10-point bold type to at least 12-point font at the top of the contract. As under existing law, the statement must include a conspicuous caption ("BUYER'S RIGHT TO CANCEL"). The act also requires that it be prominent.

The act also makes minor and grammatical changes to the required statement.

Electronic Contracts (§ 21)

Under the act, if the health club gives a buyer a contract in an electronic format only, it must (1) provide the three-day cancellation and disability provisions in a separate document in electronic or paper form and (2) include the consumer's acknowledgement that he or she has received these provisions.

The act requires that the contract, document with the cancellation and disability provisions, and acknowledgement be executed as part of a single transaction.

Information Required for License to Sell Contracts (§ 22)

The act requires health clubs seeking a DCP license to sell health club contracts to give DCP an electronic copy, rather than two copies, of each health club contract the applicant currently uses or intends to use.

Elimination of Civil Penalty (§ 22)

The act eliminates the commissioner's specific authority to impose a civil penalty of up to $300 for any health club that sells or offers to sell contracts without submitting a license renewal or renewal fee within 30 days of the license expiring. By law and among other powers, the commissioner may still suspend or revoke a health club license for specified violations.

Guaranty Fund (§ 23)

By law, the Connecticut Health Club Guaranty Fund is designed to protect health club members when a club closes or moves. If a health club is no longer operating at the location where the consumer entered the contract, the consumer may have a claim against the health club and may apply to the guaranty fund.

Disbursements. The act sets up a new process for guaranty fund disbursements. Instead of holding an administrative hearing on each application or set of similar claims, it allows the commissioner to make a payment on uncontested cases without a hearing.

More specifically, before the commissioner may direct payment from the fund to a buyer, he must first notify the health club about the buyer's application to the fund. The notice must also inform the club about its right to an administrative hearing to contest the disbursement if it (1) has already paid the buyer or (2) is complying with a payment schedule based on a written agreement with the buyer or a court judgment, order, or decree.

If the club requests a hearing in writing within 15 days after receiving the DCP notice, the commissioner must grant the request and hold the hearing. If DCP does not receive a request within this 15-day period, the commissioner must (1) determine that the buyer has not been paid and (2) direct payment from the guaranty fund for the amount due. As under existing law, if multiple buyers submit claims against the same club, DCP can hear their applications in one proceeding.

Notice to Health Clubs Potentially Barred From Paying Into the Fund. Existing law requires DCP to notify a health club that it is contemplating prohibiting the club from paying into the fund because it violated the health club law or engaged in unfair or deceptive trade practices, among other things. The act eliminates the specific requirement that DCP send this notice by certified mail to the club's principal place of business.

Closings or Transferred Locations (§ 24)

The act modifies the notice requirements for when a health club closes or transfers locations, including eliminating a newspaper notice requirement. Prior law required a health club to notify DCP and all current and prospective members at least 60 days before the closing or transfer. The act instead requires that written notices disclosing the closing or transfer be sent to current members at least 60 days, and again between 20 and 40 days, before the closing or transfer. The act also

requires clubs to give DCP an electronic copy of this written notice within one business day after notifying current members.

The act also eliminates a requirement that a health club publish a notice of the closing or transfer in a newspaper with general circulation in the state. It instead requires the club to conspicuously post notices about the closing or transfer on its website and premises.

§ 25 — HARDSHIP EXEMPTIONS FROM WELL DRILLING WATER REQUIREMENTS

Transfers, from the plumbing and piping work examining board to local health directors, authority to grant hardship exemptions from well drilling requirements related to the purity, potability, and safeguarding of well water

Prior law allowed the plumbing and piping work examining board to grant exemptions from well drilling requirements when they would cause undue hardship, subject to the DCP commissioner's approval. The act transfers the authority to grant hardship exemptions related to the purity, potability, and safeguarding of well water from the examining board to the local health director. Specifically, it authorizes local health directors to grant these hardship exemptions if they find that the exemption will not adversely affect the well water's purity and adequacy.

§ 26 — CONNECTICUT UNFAIR TRADE PRACTICES ACT (CUTPA)

Allows DCP to receive electronic copies of documents of anyone being investigated or proceeded against under CUTPA; gives DCP additional options for sending certain investigative and enforcement documents; allows testimony in CUTPA proceedings to be recorded rather than transcribed and eliminates the requirement that it be filed with DCP; allows DCP to impose a civil penalty of up to $5,000 for CUTPA violations

The act makes various changes to CUTPA, including allowing DCP to impose civil penalties after an administrative hearing; updating provisions on investigations and notices to include electronic methods; and making various minor, technical, and conforming changes.

Electronic Copies

By law, the DCP commissioner or his authorized representatives have the right to, among other things, access, examine, and copy the documents of anyone being investigated or proceeded against under CUTPA. The act also allows DCP to receive electronic copies of these documents.

Sending Notice

The act gives DCP additional options for sending certain CUTPA investigative demands or complaints other than delivering them by certified mail. It allows the department to deliver these notices using the same methods it uses for sending administrative enforcement action notices. By law, these notices must be delivered personally, by U.S. mail with delivery tracking or by certified mail, or by email with tracking and delivery confirmation.

Under the act, DCP may use these additional methods for (1) serving an investigative demand on a person who is suspected of violating CUTPA or a person from whom the commissioner wants assurances that he or she has not violated the act and (2) delivering a complaint to a person who has been engaging in or is engaged in an alleged CUTPA violation.

Testimony

Prior law required testimony in a CUTPA proceeding to be put in writing by the hearing's recording officer and filed with the commissioner. The act allows the testimony to be recorded (in an audio or audiovisual format) instead and eliminates the filing requirement.

Civil Penalty

The act allows the DCP commissioner to impose a civil penalty of up to $5,000 for CUTPA violations, after an administrative hearing. Correspondingly, the act allows the DCP commissioner to ask the attorney general to apply for an order to enforce the civil penalty in the Hartford Superior Court.

§ 27 — RETURN OR EXCHANGE POLICIES

Establishes new requirements for businesses to post and disclose their refund and exchange policies and requires these policies to include specified disclosures

Required Disclosures

Under prior law, businesses engaged in trade or commerce in Connecticut had to accept returned consumer goods (other than motor vehicles) if customers returned them as the business's conspicuously posted refund or exchange policy allowed. The act eliminates this provision and replaces it with a new set of requirements for disclosing refund or exchange policies. Under the act, businesses must clearly and conspicuously:

1. post their refund or exchange policy on their premises if they conduct in-person sales;
2. display the policy on their website if they conduct Internet sales; and
3. verbally disclose the policy for verbal sales, including sales by telephone.

If the business provides refunds or allows exchanges, its policy must disclose:

1. whether it will provide a (a) cash or credit refund or store credit, or allow an exchange, and (b) refund or allow an exchange at any time or before a specified time;
2. whether any refund or exchange is subject to any fee and the fee amount, with the amount expressed in either a dollar amount or percentage; and
3. any other conditions the business requires.

Under the act, unless a business discloses its policy to not provide refunds or exchanges according to the act's requirements, it must give a cash or credit refund or store credit to any consumer who returns any purchased good within seven days after receiving it.

As under existing law, the refund and exchange policy law does not apply to perishable goods or ones clearly marked as unreturnable. Violations of the disclosure provision are a CUTPA violation.

Use of Electronic System for Certain Returns

Under existing law and the act, businesses that use an electronic system to record, monitor, and limit the number or dollar amount of returns made by a consumer must state clearly in their posted refund or exchange policy that the system is being used. The act removes the CUTPA penalty for violating this provision.

Existing law requires these businesses to provide written notice before terminating a consumer's right to return a good. The act gives these businesses an additional termination notification method by allowing them to send it to an email address that the consumer provides. As under existing law, notice may still be sent by mail to the consumer's last-known address or to the consumer's address that is obtained through reasonably available public records.

§ 28 — NOTICE OF HEARING FOR CERTAIN PAYMENT TYPE VIOLATIONS

Specifies that DCP must provide a notice and hold a hearing before issuing a fine for specified violations related to surcharges, minimum transaction amounts, and discounts based on certain payment methods

Existing law prohibits anyone from imposing an additional charge or fee on any transaction for the privilege of using a particular payment type; conditioning the acceptance of a credit or charge card payment on a minimum transaction amount, without disclosure; or reducing a commission paid to an agent because the transaction was paid by card. The act specifies that the DCP commissioner must provide a notice and hold an administrative hearing under the UAPA before imposing an additional civil penalty for these violations. It also makes minor and technical changes, including specifying that the "transactions" covered by this law are those that occur in the state to mirror the definitions of "trade" and "commerce" in CUTPA.

§§ 29-52 — PUBLIC WEIGHMASTER

Renames a "licensed public weigher" as a "public weighmaster" and replaces "licensed public weigher" with "public weighmaster" in statutes; increases the maximum penalty for violating related laws

To align with national naming conventions, the act replaces "licensed public weigher" with "public weighmaster" throughout the public weighers and weight and measurement of specific articles laws (Chapters 751 & 752). It also makes

various minor, technical, and conforming changes.

It also increases two penalties for public weigher violations. It does so by increasing the maximum fine, from $100 to $1,000, for violations of the public weigher laws for which there is no specific penalty. As under existing law, the minimum penalty is $25. It also increases the maximum civil penalties the DCP commissioner may impose after an administrative hearing, from $100 for the first offense and $500 for subsequent offenses to $1,000 per violation (§ 45). By law, each violation for a unit, certificate, device, or scale is considered a separate offense.

§ 53 — E-CIGARETTE PENALTIES PAID BY MAIL

Allows certain e-cigarette penalties to be paid by mail to the Centralized Infractions Bureau without appearing in court

The act allows certain e-cigarette (i.e., electronic nicotine delivery system and vapor product) penalties to be paid by mail to the Centralized Infractions Bureau without appearing in court. These penalties include the (1) $50 fine for each day anyone knowingly manufactures e-cigarettes for a business without a registration and (2) $90 fine for each day e-cigarette manufacturers or dealers knowingly manufacture or sell, offer for sale, or possess with the intent to sell an e-cigarette with a registration that has been expired for 90 days or less.

§§ 53 & 91 — REPEAL OF VARIOUS PROVISIONS ON MAKING AND SELLING CERTAIN STAPLE FOODS

Repeals duplicative statutes related to food standards for certain staple foods (e.g., flour, bread, rolls); increases the penalties by imposing the Uniform Food, Drug and Cosmetic Act penalties

The act repeals statutes on food standards, examinations, and investigations related to certain staple foods (i.e., flour, bread, rolls, corn meal, grits, rice, and macaroni) (CGS §§ 21a-27 to -30). By law, the state Uniform Food, Drug and Cosmetic Act has similar requirements and gives DCP comparable powers (CGS § 21a-91 et seq.).

By subjecting these staple foods to the standards established under the Uniform Food, Drug and Cosmetic Act, the act also increases the penalties for violating the standards. Under prior law, a first offense of a staple food law violation was punishable by up to a $100 fine, up to three months imprisonment, or both, and subsequent offenses were punishable by up to a $500 fine, up to one year imprisonment, or both (CGS § 21a-30). Under the Uniform Food, Drug and Cosmetic Act, first violations are generally punishable by up to six months in prison, a fine of up to $500, or both. A subsequent violation is punishable by up to one year in prison, a fine of up to $1,000, or both (CGS § 21a-95).

The act also eliminates the ability to pay the fine by mail to the Centralized Infractions Bureau without appearing in court. Under prior law, violators could do so for staple food violations.

§§ 54, 56 & 59-61 — BUSINESS ENTITIES

Explicitly subjects specified types of business entities to the Liquor Control Act by defining them as "business entities" under the act; makes conforming changes

Definitions (§ 54)

The act explicitly subjects specified types of business entities to the Liquor Control Act's provisions by defining them as "business entities" under the act. Under the act, a "business entity" is any incorporated or unincorporated association, corporation, firm, joint stock company, limited liability company (LLC), limited liability partnership (LLP), partnership, trust, or other legal entity.

Generally, the new definition explicitly applies the Liquor Control Act to certain types of entities (e.g., LLCs) that were not specifically stated in the act's definitions under prior law. The act makes conforming changes to other (1) definitions in the Liquor Control Act (e.g., adding business entities to the definition of "proprietor") and (2) prohibitions and requirements in the act, as described below.

Prohibition of DCP Commissioner and Certain Employees in Alcoholic Liquor Market (§ 56)

The act prohibits the DCP commissioner and its employees who have certain enforcement duties and responsibilities related to the Liquor Control Act from directly or indirectly having an interest in any business entity that deals or manufactures alcoholic liquor. Under prior law, this prohibition explicitly applied only to partnerships that deal or manufacture alcoholic liquor. As under existing law, being a corporation shareholder is allowed.

In-State Transporter Permits (§ 59)

The act specifically prohibits all business entities from transporting alcoholic beverages into the state without an in-state transporter permit, among other tax requirements. Existing law already specifically prohibits corporations, incorporated or unincorporated associations, partnerships, trusts, or other legal entities from doing so.

Catering Establishment (§ 60)

The act specifies that any business entity may own or operate a catering establishment; prior law specifically allowed joint stock companies, LLCs, LLPs, trusts, and other legal entities to do so. By law, a catering establishment may serve alcoholic liquor at a function, occasion, or event on its premises under certain conditions.

Temporary Permit for Noncommercial Entity (§ 61)

By law, the backer or permittee conducting a fundraising event, outing, picnic, social gathering, or auction must keep all profits from an auction or sale of beer, spirits, or wine. Prior law prohibited paying profits from these events to any individual or corporation; the act expands this prohibition to include all business entities.

§ 55 — FRANCHISOR OR LANDLORD PROFITS

Generally allows a franchisor or landlord to receive profits from alcoholic liquor sales from a franchisee or tenant

The act generally allows a franchisor or landlord to receive profits from alcoholic liquor (e.g., beer, wine, and spirits) sales from a franchisee or tenant that may sell alcoholic liquor. The franchisor or landlord may do so if he or she does not:

1. control the permit premises' operations,
2. direct sales of alcoholic liquor from the permit premises, or
3. otherwise engage in activities indicating ownership or proprietorship of the franchisee or tenant.

Under the act, DCP may require a franchisor or landlord to get approval as a backer to receive these profits. In determining whether to require this, DCP must consider the percentage of the profits the franchisor or landlord receives and evaluate whether the franchisor or landlord may:

1. supervise, hire, retain, or discharge those employed on the permit premises;
2. set menu selections or prices, or establish operating hours or days, for the permit premises;
3. decide whether or when a patio may be used on the permit premises;
4. order or accept alcoholic liquor deliveries for the permit premises;
5. arrange advertising for the permit premises, including on the internet or social media ;
6. dictate decorations for the permit premises;
7. access banking accounts related to the permit premises;
8. incur debt on behalf of a permit backer; and
9. enter into agreements with other entities on a backer's behalf.

§ 57 — PACKAGE STORE PERMIT APPLICATIONS AND OPENING DEADLINE

Allows DCP to refuse to accept an incomplete package store permit application or to set a deadline for when a package store must open to the public for continuous operation

The act allows DCP to (1) refuse to accept any incomplete package store permit application or (2) set a deadline for when a package store permit applicant must open to the public for continuous operation.

Under the act, if a package store applicant does not meet the DCP-established deadline, the department may deem the application withdrawn and expired to prevent placeholding (i.e., applying for the last available package store permit in a town and failing to open before the deadline). By law, DCP may issue one package store permit for every 2,500 residents as determined by the most recent census (CGS § 30-14a).

§ 58 — WHOLESALER TERMINATION OR ADDITIONAL APPOINTMENT NOTICE

Allows DCP to prescribe how a manufacturer or out-of-state shipper permittee must notify the department when it wants to terminate or diminish a wholesaler's territory or appoint an additional one

Under prior law, if a manufacturer or out-of-state shipper permittee wanted to terminate or diminish a wholesaler's territory or appoint an additional one, it had to send written notice by certified or registered mail, return receipt requested, to the wholesaler, and simultaneously send a copy to DCP. The act instead allows DCP to prescribe how the notice is sent.

Under the act, this applies when a manufacturer or out-of-state shipper permittee seeks to:

1. terminate or diminish a wholesaler permittee's territory after six months or more, or
2. appoint one or more additional wholesalers to distribute within the territory (a) alcohol, spirits, or wine or (b) beer.

The act requires that the additional beer wholesaler notice include the name of each additional wholesaler and a detailed description of the just and sufficient cause necessitating the appointment.

§ 61 — DONATIONS

Expands the permittees that may donate to a noncommercial entity permittee and allows all of them to offer tastings

Existing law allows a manufacturer permittee, a wholesaler permittee, or package store permittee to donate to a temporary liquor permit holder for a noncommercial entity any beer, spirits, or wine they manufacture, distribute, or sell, respectively.

The act (1) expands the permittees that may donate to include those for restaurants, cafes, out-of-state retail shippers, and out-of-state shippers for alcoholic liquor, for wine, and for beer and (2) allows any permittee that may donate to offer tastings for the noncommercial entity permittee.

§ 62 — APPLICATION-RELATED INVESTIGATIONS

Allows DCP to investigate an applicant's backer and the suitability of a proposed permit premises

The act allows DCP to investigate (1) whether a permit should be issued to an applicant's backer (i.e., proprietor) or (2) the suitability of the proposed permit premises. Existing law allows DCP to investigate whether a permit should be issued to an applicant.

§§ 63 & 67-69 — PENALTIES AND DCP AUTHORITY

Allows DCP to impose additional fines; extends certain existing penalties to applicants and certain backers (e.g., disciplinary actions on the permit, fines, compromise instead of suspension); allows applicants to appeal a denied permit application

DCP Reasonable Belief of Certain Actions (§ 63)

Existing law allows DCP to suspend, revoke, or refuse to grant or renew a permit when the department reasonably believes an applicant or permittee has committed certain actions (e.g., used alcohol in excess, willfully made false statements in a material matter, or was convicted of violating liquor laws). The act additionally allows DCP to impose a fine of up to $1,000 for these actions.

Prior law subjected a backer to the same disqualifications as a permit applicant or permittee for these actions. The act expands the actions to any disqualifications under the Liquor Control Act and its regulations and applies it to an applicant's backer.

Various DCP Disciplinary Actions (§ 67)

Existing law allows DCP to revoke, suspend, or place conditions on any permit or provisional permit, or impose a fine of up to $1,000 per violation for cause as determined by a hearing. The act extends these disciplinary actions to an applicant, backer, or proposed backer.

Prior law required the department to give 10 days' written notice about the hearing, setting the particulars required in the civil pleadings and the charges for the proposed disciplinary action. The act instead requires that the notice be provided

under the UAPA. Among other things, the UAPA requires that the parties be given reasonable notice that includes a short and plain statement of the matters asserted.

Under the act, withdrawing an application does not prevent DCP from suspending or revoking the permit.

Compromise Instead of Suspension (§ 68)

The act allows DCP to accept an offer to compromise, in a certain amount considering the circumstances, instead of suspending the permit from an applicant and his or her backer. Existing law already allows the department to make this offer to a permittee or backer.

Appeals for Denied Permits (§ 69)

Under existing law, applicants for a permit whose application is refused may appeal the decision under the UAPA procedures. The act also allows an applicant whose permit is denied to do so.

§ 64 — HOLDING TWO PERMITS

Allows (1) certain out-of-state shipper permittees to also hold an out-of-state retailer shipper's permit for wine and (2) a restaurant permittee to hold a Connecticut Craft Cafe permit

By law, with certain exceptions, permittees of one class (i.e., tier) cannot be a permittee of another class (CGS § 30-48(a)).

The act creates additional exceptions by allowing the following:

1. an out-of-state shipper's permittee for alcoholic liquor other than beer, an out-of-state winery shipper's permittee for wine, or an out-of-state shipper's permittee for beer to also hold of an out-of-state retailer shipper's permit for wine and
2. a restaurant permittee to also hold a Connecticut craft cafe permit if the permit premises are located at two different addresses.

§ 66 — PORTION OF BUILDING USED AS PERMIT PREMISES

Allows permittees where a portion of the building is not used as a permit premises to separate the portion rather than have it effectively closed

Prior law allowed an alcoholic liquor permittee to use a building where a portion was not used as the permit premises only if the applicant signed an affidavit affirming that access from the other part of the building to the permit premises was effectively closed, unless DCP allowed otherwise. The act instead requires that the respective portions be effectively separate. It also makes corresponding changes to allow DCP to examine the premises to see that the portion is effectively separate (rather than closed) and designate the manner of the separation.

Under prior law, if a new way of accessing the permit premises was opened after the permit was issued and without DCP's consent endorsed on the permit, then the permit was forfeited and was null and void, with or without notice. The act eliminates the permit forfeiture penalty. As under existing law, permittees and backers that open a new unauthorized means of access are subject to the general permit penalty provision that allows DCP to revoke, suspend, or place conditions on a permit or impose a fine of up to $1,000 per violation after a hearing for which written notice must be given (CGS §§ 30-55 & -113).

§ 70 — CONSUMER BARS AND CONSUMER SERVICE BARS

Allows, rather than requires, DCP to adopt regulations on consumer bars; allows DCP to adopt regulations to allow more than one consumer service bar (i.e., place where food is primarily ordered)

Prior law required DCP to adopt regulations to allow more than one consumer bar in any premises where on-premises alcohol consumption was allowed. The act instead makes adopting these regulations optional. By law, a consumer bar is a counter, with or without seats, where a patron may consume or purchase alcoholic liquor.

The act also allows DCP to adopt regulations to allow more than one consumer service bar in any premises where on-premises alcohol consumption is allowed. A consumer service bar is a counter without seats where a patron can buy

alcoholic liquor, but its main function is for buying food.

The act allows alcoholic liquor to be served to a patron across the consumer service bar but prohibits a patron from sitting or consuming the alcohol or food at the bar. It allows minors (i.e., those under age 21) to stand at the consumer service bar to order and receive food.

The act prohibits a premises from having both a self-pour endorsement and a consumer service bar endorsement.

§ 71 — NUISANCE AND EMBARGOING OR CONFISCATING CERTAIN ITEMS

Allows DCP to (1) confiscate alcoholic liquor that has been deemed a nuisance and (2) embargo and confiscate certain items during an investigation or inspection (e.g., unauthorized gambling device, unauthorized pharmaceuticals)

Nuisance

The act allows the DCP commissioner or his authorized agent to confiscate alcoholic liquor that has been deemed a nuisance (i.e., alcoholic liquor, along with its container, that the owner or keeper intends to be illegally manufactured or sold).

Embargo

The act allows the DCP commissioner or his authorized agent, during an inspection or investigation of a permittee, to embargo (i.e., affix a tag or other appropriate markings) certain items that violate or are suspected to violate the Liquor Control Act. They may do so if they have probable cause to believe that the permittee possesses the embargoed item, or it is on the permit premises. The commissioner or agent must give the permittee prior written notice disclosing the violation, or suspected violation, and embargo.

The act allows DCP to embargo the following:

1. unauthorized gambling devices, illegitimate lottery tickets, or illegal gambling or bookmaking equipment;
2. driver's licenses or identification cards or imitations that a person uses, other than the person's own driver's license or identification card, to unlawfully (a) enter, or try to enter, the premises or (b) purchase, or attempt to purchase, alcoholic liquor;
3. pharmaceutical drugs offered or made available for sale by any unauthorized individual;
4. high-THC hemp products or synthetic; and
5. tobacco products sold without a stamp or by any person other than an authorized dealer.

The act prohibits anyone from removing or disposing of any embargoed item, by sale or otherwise, without the commissioner's or his authorized agent's written consent to do so.

Confiscation

In addition to any embargo, the act allows the DCP commissioner or his authorized agent to confiscate any driver's license or identification card or their imitations for the same reasons as for being embargoed. They must give the permittee a written inventory of the confiscated items and a narrative description of the basis for the confiscation.

Within two days after any confiscation, the commissioner or agent must submit a written notice disclosing the confiscation to the law enforcement agency with jurisdiction over the permit premises.

Hearing

Under the act, within 15 days after a permittee receives written notice about the violation, embargo, or confiscation, the permittee may submit a written request to DCP for a hearing to remove the embargo or revoke the confiscation. The commissioner must hold a hearing within 45 days after the department receives the request, and the hearing must be held in accordance with the UAPA.

Liability

Under the act, if the embargo is removed or confiscation is revoked, neither the commissioner or the state may be held liable for any damages incurred for any injury sustained because of the embargo, as long as a court with proper jurisdiction finds there was probable cause to impose the embargo or make the confiscation.

§ 72 — IMMUNITY FOR MINORS PARTICIPATING IN ENFORCEMENT ACTIONS

Indemnifies and grants immunity to minors who participate in DCP alcohol-related investigations and enforcement actions

The act grants immunity from personal liability to minors who participate in alcohol-related investigations or enforcement actions initiated by, or operated in conjunction with, DCP. It does so by deeming them to be state officers under statutes relating to immunity and indemnification for state officers and employees.

Under the act, the minors are not liable for damage or injury caused by actions they take at DCP's direction related to the investigation or enforcement action as long as they are not wanton, reckless, or malicious (CGS § 4-165).

The act also requires the state to save harmless and indemnify these minors from financial loss and expense from a claim, demand, suit, or judgment from alleged negligence or deprivation of a person's civil rights, or other acts or omissions causing damage or injury. This provision applies as long as the minor did not act wantonly, recklessly, or maliciously (CGS § 5-141d).

§ 73 — STATEMENT OF PURCHASER'S AGE

Updates a required statement by alcohol purchasers whose age is in question and gives permittees an electronic alternative

The act updates a required statement from alcohol purchasers whose age is in question. It does so by (1) revising the statutory form to include those born in the 2000s and (2) giving permittees an electronic alternative.

Existing law requires permittees to print these statements and give them to DCP for approval. The act also allows the permittee to electronically display these forms on electronic devices that allow the person whose age is in question to electronically complete and sign the statement. Under the act, a statement that is completed and signed electronically must be stored in an electronic medium immediately accessible from the permit premises, alphabetically indexed, and in an electronic format that is accessible to DCP or any of its agents or inspectors at a reasonable time.

By law, paper statements must be kept on file on the permit premises, alphabetically indexed, in a suitable file box and available for inspection at a reasonable time.

§ 74 — LOITERING

Generally prohibits permittees from allowing intoxicated people to loiter on permit premises

Existing law prohibits alcoholic liquor permittees or their employees from allowing certain groups of people (e.g., minors) to loiter on the permit premises or be in the room where alcoholic liquor is kept or served. The act adds intoxicated people to these prohibited groups.

In the case of one-room barrooms or premises without separation between the barroom and dining room, the act allows an intoxicated person to stay on the permit premises while waiting for and consuming food prepared on the permit premises This exemption applies to minors under existing law.

§§ 75 & 76 — LOTTERY TESTING AND CERTIFICATION

Requires the lottery system and games to be tested and certified by an independent third party

The act requires each lottery gaming system to be tested and certified by a gaming laboratory, in a way and as frequently as DCP deems necessary to preserve gaming integrity. Under the act, a "gaming laboratory" is a business entity that (1) specializes in testing technology systems for U.S. licensed gaming operators, (2) is licensed by DCP as an affiliate, and (3) is not owned or controlled by the Connecticut Lottery Corporation (CLC).

Similarly, the act requires lottery draw games and keno to be tested and certified by a gaming laboratory generally before CLC offers either of them, in a way and as frequently as DCP deems necessary to preserve gaming integrity. However, this testing and certification is not required for lottery draw games that (1) are sold in at least 20 U.S. states and (2) have been tested by a nationally recognized gaming testing laboratory that is licensed in at least 20 states to perform system and game analysis. The act relatedly allows DCP to develop technical standards against which gaming laboratories must test lottery draw games and keno for compliance. It also imposes reporting requirements on gaming laboratories.

If DCP suspects that the integrity of the lottery gaming system may be vulnerable or compromised, the act allows the

department to require the system to be recertified by a gaming laboratory and the new certification submitted to DCP. The act similarly allows the department to suspend or revoke approval of a lottery draw game or keno without notice if it has good cause to believe that the continued operation of the game or keno poses a threat to the security and integrity of gaming in the state.

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

Lottery Gaming System, Keno, and Lottery Draw Game Definitions

Under the act, a "lottery gaming system" is the complete integrated set of hardware and software elements that communicates, records, reports, captures, and accounts for gaming data, including issuing, canceling, and validating wagers; determining winners; and other functions needed for the lottery's technological operation.

By law and under the act, "keno" is a lottery game where a subset of numbers is drawn from a larger field of numbers by a central computer system using an approved number generator, wheel system device, or other drawing device.

A "lottery draw game" is any game where one or more numbers, letters, or symbols are randomly drawn at predetermined times, but not more frequently than once every four minutes, from a range of numbers, letters, or symbols; and prizes are paid to players possessing winning plays as set forth in each game's official game rules. It does not include (1) keno, (2) any game involving lottery draw tickets that are not available through a lottery sales agent, or (3) any game that simulates online casino gaming.

DCP Technical Standards

If DCP develops technical standards for gaming laboratories to test lottery draw games and keno, then the act requires the department to post them on DCP's website and review them at least annually to ensure they preserve the integrity of gaming.

DCP may modify or update the standards to respond to a legal interpretation, include additional standards, or amend existing standards as the DCP commissioner deems necessary to protect consumers from financial harm, to adjust to changes in technology, relevant standards, or platform design, or for any other reason to preserve the integrity of gaming. The act requires the department to post updates to the standards on its website and makes them effective 30 days after this posting unless the commissioner establishes a later effective date. The act also requires DCP to notify CLC in writing about any update to the standards before it is implemented.

Gaming Laboratory Reporting

The act requires gaming laboratories testing and certifying a lottery draw game or keno to file a report with DCP that must include (1) the extent to which the lottery draw game or keno meets any technical standards adopted by the DCP commissioner, (2) whether the lottery draw game or keno complies with the requirements of the state's lottery laws, and (3) any additional information needed by DCP to certify the lottery game or keno.

DCP Review of Test Results

Under the act, DCP must review the lottery draw game or keno that is being tested for proper functioning and consider the gaming laboratory's test results and certification. After completing this review, the department may approve the lottery draw game or keno for use in the state.

§§ 75 & 78 — LOTTERY VENDOR REPORTING

Requires vendor licensees to report lottery system incidents directly to DCP

The act requires vendors licensed to provide a lottery gaming system to report to DCP any incidents that occur, or are reasonably suspected to have occurred, that cause a disruption in the system's operation, security, accuracy, integrity, or availability. The vendor must generally give DCP a written incident report immediately upon discovering the incident, but they may do so up to 24 hours after the discovery.

The report must include the incident details and the vendor's proposed corrections. Within five business days after notifying the department, the vendor must give, presumably, a second written incident report that (1) details the incident, including its root cause, and (2) outlines the vendor's plan to make corrections, mitigate the incident's effects, and prevent incidents of a similar nature from happening in the future. If the vendor is unable to determine the root cause and correct

the incident within the initial five business days, then it must continue to update the department every five business days with written incident reports until the root cause is determined and the incident is corrected. DCP may require the vendor to submit the lottery gaming system to a gaming laboratory for recertification.

§§ 75 & 78-82 — LOTTERY SALES AGENTS

Specifies that lottery sales agents do not sell lottery tickets or offer keno over the Internet; extends existing provisions for other lottery related licensees to them; requires the "person in charge" of the agent to give DCP certain information and submit to a criminal history records check

The act makes several statutory changes on lottery sales agents that supersede DCP regulations on them. Under existing law, unchanged by the act, DCP must adopt regulations on, among other things, regulating lottery sales agents, including qualifications for licensure and license suspension and revocation (CGS § 12-568a). In practice, the department has adopted these regulations (see Conn. Agencies Regs., § 12-56a-1 et seq.).

The act statutorily prohibits any person or business organization from being a lottery sales agent without a DCP license. It formally defines "lottery sales agent" as a person licensed under the state's lottery and gaming laws that contracts with CLC to sell lottery tickets or offer keno at a retail facility in Connecticut and not over the Internet.

Additionally, the act extends existing statutory provisions for other lottery related licensees so that they apply to lottery sales agents. For example, just as the commissioner may suspend or revoke for good cause a vendor, affiliate, or occupational license after a hearing, or order a summary suspension of either, the act allows him to do so for lottery sales agent licenses.

The act also makes minor, technical, and conforming changes.

Lottery Sales Agent License Applications

Under existing law, the DCP commissioner may require lottery related vendor, affiliate, and occupational license applicants to provide specific information about themselves. The act extends this authorization to apply to lottery sales agent license applicants and the "person in charge" of them (i.e., the person designated by a lottery sales agent licensee, or the applicant for the license, who is responsible for managing the agent's compliance with the state lottery and game laws).

Effectively, the DCP commissioner may require a lottery sales agent license applicant and the related person in charge to provide information on their:

1. financial standing and credit;
2. moral character;
3. criminal record, if any;
4. previous employment;
5. corporate, partnership, or association affiliations; and
6. ownership of personal assets, as well as other information the commissioner deems pertinent to issuing the license if doing so will assure the state lottery's integrity.

By law, the DCP commissioner must require vendor, affiliate, and occupational license applicants to submit to state and national criminal history records checks, and may require them to submit to an international criminal history records check before the license is issued. The act applies these provisions to lottery sales agent applicants and to the applicant's person in charge when the applicant is a business organization.

As is the case under existing law for vendor, affiliate, and occupational license applicants, the act (1) requires the DCP commissioner to issue a lottery sales agent license to each applicant who satisfies the above application requirements and who he deems as qualified and (2) authorizes the commissioner to reject lottery sales agent license applications for good cause.

Separate, but relatedly, the act extends an existing alternative criminal history records check process for key employee and live game employee license applicants to lottery sales agent license applicants.

§§ 77, 79 & 84 — CASINO GAMING AND SPORTS WAGERING ADVERTISING

Imposes additional advertising restrictions and requirements on certain gaming licensees, including prohibiting some of them from entering into agreements with a third party to conduct advertising or marketing where compensation is based on certain outcomes (e.g., how many people become patrons or amount wagered)

The act imposes additional restrictions on online and retail sports wagering and online casino gaming advertisements;

specifically, the advertising, marketing, and other promotional materials published, aired, displayed, or disseminated by or on behalf of any gaming entity licensee. Under the act, a "gaming entity licensee" is a master wagering licensee, a licensed online gaming operator, a licensed online gaming service provider, or a licensed sports wagering retailer (see *Gaming Definitions* below).

The act also prohibits master wagering licensees, online gaming operator licensees, and sports wagering retailer licensees from entering into agreements with a third party to conduct advertising or marketing for them or to their benefit where the third party's compensation depends on the number of people who become patrons, the volume or amount of wagers placed, or the wager outcomes. However, master wagering licensees and online gaming operator licensees may compensate a third party for advertising services based on the click through of an individual to an online gaming operator licensee's website so long as the compensation is not based on an individual creating an account or placing a wager.

Additionally, the act makes technical and conforming changes.

Changes to Advertising Restrictions

Existing law prohibits advertisements of online and retail sports wagering and online casino gaming from (1) depicting someone younger than age 21 unless he or she is a professional or collegiate athlete who, if permitted by law, can profit from the use of his or her name or (2) being aimed exclusively or primarily at people younger than age 21. The act additionally specifies that advertising must not depict someone who is, or appears to be, under age 21. It further prohibits aiming it exclusively or primarily at people younger than age 18 if the advertising exclusively pertains to keno, online lottery ticket sales, or fantasy contests, or any combination of the three.

New Advertising Restrictions

The act requires gaming entity licensees to state that individuals must be at least age 18 or 21, as applicable, to participate in the type of gaming advertised, marketed, or promoted. It also prohibits these licensees' advertising, marketing, and other promotional materials from:

1. directly advertising, targeting, or promoting Internet games or retail sports wagering through methods including email, telephone calls, text messages, direct messaging applications, mail, and social media to specific individuals, rather than a general audience, who have excluded themselves through the state's self-exclusion process;
2. having images, symbols, celebrity or entertainer endorsements, or language designed to appeal specifically to those under age 21 (or under age 18 if pertaining exclusively to keno, online lottery ticket sales, or fantasy contests, or any combination of them);
3. having inaccurate or misleading information that would reasonably be expected to confuse and mislead patrons to induce them to engage in gaming;
4. being published, aired, displayed, or disseminated to a media outlet or on social media that appeal primarily to individuals under age 21 (or under age 18 if pertaining exclusively to keno, online lottery ticket sales, or fantasy contests, or any combination of them);
5. being placed before any audience where the majority of the viewers or participants is presumed to be under age 21 (or under age 18 if pertaining exclusively to keno, online lottery ticket sales, or fantasy contests, or any combination of them);
6. implying greater chances of winning compared to other licensees;
7. implying greater chances of winning based on wagering in greater quantity or amount (except for a lottery draw game that (a) was approved before January 1, 2024; (b) was available for patron wagering when the act was passed; (c) includes DCP-approved features that increase the chances of winning; and (d) is not exclusively sold by lottery sales agents);
8. claiming or representing that gaming will guarantee an individual's social, financial, or personal success; and
9. using any type, size, location, lighting, illustration, graphic, depiction, or color that obscures any material fact.

The act also requires that direct or targeted advertisements or promotions sent to individuals (e.g., emails or text messages) include a clear and conspicuous Internet link that allows the recipient to unsubscribe by clicking on one link.

Gaming Definitions

By law and under the act, a "master wagering licensee" is generally the Mashantucket Pequot or Mohegan tribes or the CLC.

An "online gaming operator" is a person or business entity that operates an electronic wagering platform and contracts directly with a master wagering licensee to provide (1) one or more Internet games or (2) retail sports wagering.

An "online gaming service provider" is a person or business entity, other than an online gaming operator, that provides goods or services to, or otherwise transacts business related to, Internet games or retail sports wagering with a master wagering licensee or a licensed online gaming operator, online gaming service provider, or sports wagering retailer.

"Online casino gaming" is the following games conducted over the Internet: (1) slots, blackjack, craps, roulette, baccarat, poker and video poker, bingo, live dealer, other peer-to-peer games, and any variations of these games and (2) any games authorized by DCP.

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.

"Fantasy contest" is any fantasy or simulated game or contest (excluding lottery games) conducted over the Internet, including through a website or mobile device, in which:

1. players pay an entry fee;
2. the value of all prizes and awards is established and made known to players before the game or contest;
3. all winning outcomes reflect player knowledge and skill and are determined mostly by accumulated statistical results of participants' performance in events; and
4. the winning outcome is not based on the score, point spread, or any performance of any single team or combination of teams or solely on any single performance of a contestant or player in a single event.

Lastly, "Internet games" are (1) online casino gaming; (2) online sports wagering; (3) fantasy contests; (4) keno through the Internet, an online service, or a mobile application; and (5) the sale of lottery draw game tickets through the Internet, an online service, or a mobile application.

§ 78 — LOTTERY AFFILIATE LICENSES

Specifies that certain CLC contractors must have an affiliate license

The act specifically requires certain people and business organizations to have an affiliate license from DCP if they act as a contractor for providing facilities, components, goods, or services that are necessary for and directly related to the secure operation of CLC's activities. Prior law only expressly applied this requirement to those acting that way as subcontractors or who exercised control in or over a vendor licensee. By law and under the act, this requirement does not apply to people or business organizations that are shareholders in a publicly traded corporation.

§§ 78, 79, 83 & 86 — PROVISIONAL LICENSE AUTHORIZATIONS

Authorizes the DCP commissioner to give provisional authorizations to lottery occupational, key employee, live game employee, and parimutuel occupational license applicants.

The act allows DCP to authorize applicants for a lottery occupational, key employee, live game employee, or parimutuel occupational license to provisionally perform the work permitted under a respective license if:

1. petitioned by (a) CLC or a CLC vendor or affiliate for lottery occupational license applicants; (b) a master wagering, online gaming operator, online gaming service provider, or sports wagering retailer licensee for key employee and live game employee license applicants; or (c) a parimutuel association, vendor, totalizator, or affiliate licensee for parimutuel occupational license applicants;
2. the applicant has filed a completed license application in the form and manner DCP requires; and
3. the petitioner attests that the provisional authorization is (a) necessary to continue the efficient operations of specified gaming (i.e., the lottery for lottery occupational license applicants, Internet games or retail sports wagering for key employee and live game employee license applicants, and parimutuel wagering for parimutuel occupational license applicants) and (b) based on circumstances that are extraordinary and not designed to circumvent the otherwise applicable licensing procedures.

Under the act, a provisional authorization must permit the applicant to perform the functions, and require the applicant to comply with the requirements, of the respective license as set forth in the state's gaming laws. It does not constitute approval for a license. While the provisional authorization is in effect, the applicant must be subject to and comply with all applicable statutes and regulations.

Any provisional authorization DCP issues must generally expire immediately upon the earlier of (1) the date DCP issues a written notice that the license has been approved or denied or (2) six months after the date the provisional authorization was issued. However, individuals whose provisional authorizations expire at six months without a license decision may apply for an additional provisional authorization, which DCP may issue if the conditions for granting an initial authorization exist.

The act prohibits individuals who receive provisional authorizations but are denied a license from reapplying for a license for one year after the denial.

§ 79 — KEY EMPLOYEES

Makes changes to who is considered a key employee for gaming licensure purposes

The act changes the statutory definition "key employee" that is used for gaming licensure purposes. Under prior law, a key employee was, among other things, someone who had an ownership interest in a master wagering licensee or a licensed online gaming service provider, online gaming operator, or sports wagering retailer; specifically, holding 5% or more of the total ownership or interest rights in the licensee individually and in the aggregate with the individual's spouse, parent, and child. The act eliminates the language about aggregate interest.

§ 85 — WAGERING RESTRICTIONS

Broadens certain prohibitions on sports wagering to apply to any type of wagering and extends one of them to live game employees

The act broadens two prohibitions on sports wagering to apply to any type of wagering. By law, master wagering licensees and licensed online gaming operators, sports wagering retailers, and online gaming service providers are prohibited from accepting wagers from a person on the account of, or for, another person. Prior law relatedly prohibited anyone from placing a sports wager on another's behalf, including wagering on the account of another person. The act deletes "sports" from this second prohibition, effectively broadening its application to any type of wager.

Prior law also prohibited certain people associated with master wagering licensees and licensed online gaming operators, online gaming service providers, and sports wagering retailers from placing any wager on a sporting event with the respective licensee. The act removes the sporting event limitation from this prohibition so that it applies to any wager. By law, this prohibition applies to licensee officers, directors, owners, and key and occupational employees, and their family members who reside in the same household. Under existing law, tribal membership, in and of itself, is not ownership for these purposes. The act extends this prohibition so that it also applies to live game employees.

EFFECTIVE DATE: October 1, 2024

§§ 86 & 87 — PARIMUTUEL GAMING LICENSES

Statutorily separates many of the existing parimutuel gaming licenses into two categories and specifies which type of occupational licenses certain individuals must obtain

Existing statutes and regulations establish several licensing requirements and types of licenses for parimutuel gaming. As shown in the table below, the act statutorily separates many of the existing parimutuel gaming licenses into two categories: occupational licenses and business entity licenses. It maintains the existing fee amounts and background check requirements for each type of license.

Categorization of Parimutuel Gaming Licenses

Category	*Type*
Occupational license	• Owner • Trainer • Assistant trainer • Jockey • Jockey agent • Stable employees • Veterinarian • Jockey apprentice • Driver

Category	*Type*
	• Valet • Blacksmith • Plater • Concession employees • Jai alai players • Officials and supervisors • Parimutuel employees • Other personnel engaged in parimutuel activities • Gaming employee
Business entity license	• Concessionaire • Concessionaire affiliate • Vendor • Totalizator • Vendor and totalizator affiliates • Nongaming vendor • Gaming services • Gaming affiliate

Additionally, for officers, directors, partners, trustees, and owners of a business organization with a parimutuel license, the act specifies that they must have an owner type of occupational license. Similarly, for shareholders, key executives, agents, and other people connected with an association, concessionaire, vendor, totalizator, or affiliate licensee who in the DCP commissioner's judgment will exercise control in or over the licensee, the act specifies that they must have a parimutuel employee type of occupational license.

The act also makes technical and conforming changes.

§ 88 — DCP INVESTIGATORS AND INTERNET GAMES

Expands the jurisdiction of certain DCP investigators to include investigating and making arrests for any offense arising from Internet games

The act expands the jurisdiction of certain DCP investigators appointed by the emergency services and public protection commissioner to act as special police officers. It specifically allows them to investigate and make arrests for any offense arising from operating "Internet games" (see *Gaming Definitions* above), which is in addition to their authority under existing law over retail sports wagering and the off-track betting system and lottery games.

§§ 89 & 90 — PROHIBITIONS ON ANIMALS AS PRIZES AND FOR SOLICITATIONS AND BUSINESS ATTRACTIONS

Specifies that bazaars and raffles may not use animals as prizes; prohibits reptiles from being a prize or award for operating any game or device; specifies that an animal includes a fish for certain prohibited solicitations, gaming prizes and awards, and business attractions

The act makes a change to a law restricting prizes at bazaars and raffles. Generally, under existing law, bazaar and raffle prizes must be merchandise, tangible personal property, or specific kinds of tickets, coupons, gift cards, or gift certificates. The act specifies that animals cannot be used as prizes. By law, the penalty for violating this statute is up to 364 days imprisonment, up to a $1,000 fine, or both (CGS §§ 7-186 & 53a-36a).

Relatedly, the act also makes changes to a separate prize and solicitation law regarding the use of animals. Specifically, it (1) prohibits reptiles from being a prize or award for operating any game or device and (2) specifies that an animal includes a fish for certain prohibited solicitations, gaming prizes and awards, and business attractions. By law, violating

this statute is a class D misdemeanor (see Table on Penalties).
EFFECTIVE DATE: October 1, 2024

PA 24-3—SB 257
Government Administration and Elections Committee

AN ACT CONCERNING CERTIFICATION OF AND CASTING OF BALLOTS BY PRESIDENTIAL ELECTORS

SUMMARY: This act designates the secretary of the state as the state official responsible for certifying presidential electors under the federal Electoral Count Reform Act of 2022. As the designated official, she must issue the elector certification and then immediately transmit the certificate to the archivist of the United States.

The act also requires the presidential electors to meet on the Tuesday (rather than the Monday) after the second Wednesday in December. Under state law, when a voter casts a ballot for a presidential candidate, the ballot is cast for a slate of presidential electors who pledged to vote for that candidate when all state electors convene to choose the president and vice president of the United States (CGS § 9-175).
EFFECTIVE DATE: Upon passage

BACKGROUND

Electoral Count Reform Act

Under the federal Electoral Count Reform Act of 2022 (P.L. 117-328, Division P, § 104), the executive of a state (by default, the governor) must certify the slate of electors being sent to choose the presidential candidates after a general election. However, this federal act also allows a state to designate someone other than the governor to serve in this role.

PA 24-28—sSB 253
Government Administration and Elections Committee
Judiciary Committee

AN ACT CONCERNING FOREIGN POLITICAL SPENDING

SUMMARY: This act prohibits foreign nationals from making contributions or expenditures under the state's campaign finance laws. It similarly prohibits a person from soliciting, accepting, or receiving a contribution or covered transfer from a foreign national (§ 1).

The act makes these actions illegal campaign finance practices (§ 2). By law, an illegal campaign finance practice is subject to a civil penalty of up to $2,000 per offense or twice the amount of any improper payment or contribution, whichever is greater (CGS § 9-7b(a)(2)(D)). If the act is knowing and willful, it is a class D felony (CGS § 9-623(a), see Table on Penalties).

Additionally, under the act, certain independent expenditure reports and political action committee (PAC) registration statements filed with the State Elections Enforcement Commission (SEEC) must include a certification that the person making the expenditure is not a foreign national (§§ 3 & 4). The act also exempts complaints filed with SEEC about foreign nationals from the statutory one-year deadline for the commission to adjudicate complaints (§ 5).
EFFECTIVE DATE: Upon passage

§ 1 — FOREIGN NATIONAL

Federal law generally prohibits foreign nationals from making contributions, donations, or independent expenditures (IE) in connection with federal, state, or local elections (see BACKGROUND). The act explicitly prohibits foreign nationals (as defined in the act, see below) from directly or indirectly making contributions (or expressly or impliedly promising to do so) or expenditures that are subject to the state's campaign finance laws. It similarly prohibits a person from soliciting, accepting, or receiving a contribution or covered transfer from a foreign national. By law, a "covered transfer" is, with certain exceptions, any donation, transfer, or payment of funds by a person to a recipient that (1) makes IEs or (2) transfers funds to another person that makes IEs (CGS § 9-601(29)).

The act's prohibitions expand upon those in federal law by, among other things, explicitly applying them to referenda. The act also subjects additional persons to the prohibitions by defining a "foreign national" under the state campaign finance laws more broadly than federal law does (see BACKGROUND).

Definitions

Foreign National. Under the act, a "foreign national" includes (1) a foreign principal (as defined in federal law, see below) and any agent or segregated fund of the principal; (2) an individual who is not a U.S. citizen, a U.S. national, or lawfully admitted for permanent residence; and (3) certain entities with foreign owners.

Under the act, a "foreign owner" is a firm, partnership, corporation, association, organization, or other entity ("entity") in which a foreign national holds, owns, controls, or otherwise has direct or indirect beneficial ownership of at least 50% of the total equity or outstanding voting shares, other than interests held in a widely held, diversified fund (i.e., a pooled investment that, among other things, has at least 100 investors, with no investor able to exercise control over the investment's financial interests).

The act deems an entity to be a foreign national if it meets any of the following criteria:

1. one "foreign owner" or "foreign national" holds, owns, controls, or has direct or indirect beneficial ownership of at least 5% of the total equity or outstanding voting shares;
2. multiple foreign owners or nationals hold, own, control, or have direct or indirect beneficial ownership of at least 20% of the total equity or outstanding voting shares, other than interests held in a widely held, diversified fund (as described above);
3. any foreign owner or national directly or indirectly participates in decisions to engage in any activity subject to state campaign finance laws, including the Citizens' Election Program; or
4. the organization is a tax-exempt 501(c)(4) entity and at least 20% of its income in the most recent taxable year is from one or more foreign owners.

Foreign Principal. Under federal law and the act, a "foreign principal" (which is considered a foreign national under the act) includes the following:

1. a government of a foreign country and a foreign political party;
2. a person outside of the United States, unless it is shown that the person is (a) an individual and a U.S. citizen domiciled in the United States or (b) not an individual, has its principal place of business in the United States, and is organized under, or created by, laws of the United States, a state, or another place subject to U.S. jurisdiction; and
3. a partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country (22 U.S.C. § 611(b)).

§§ 3 & 4 — REPORTING

Under existing law, any person that makes or obligates to make an independent expenditure or expenditures of more than $1,000 in an election or primary for statewide or legislative office must electronically file a long-form and a short-form report with SEEC with specified information (i.e., SEEC Form 26). Under the act, the long-form report must additionally include a certification that the person making the expenditure (if not an individual) is not a foreign national.

The act also requires PACs, if established by a person other than an individual, to certify in their registration statement filed with SEEC that the person making the expenditure is not a foreign national.

§ 5 — SEEC COMPLAINTS

The law requires SEEC to dismiss a complaint if it does not issue a final decision on it within one year after receipt, with certain exceptions (e.g., the timeline is extended if a subpoena is issued in connection with the complaint). The act exempts from the one-year deadline complaints received on or after July 1, 2024, about potential violations of state election law by a foreign national.

BACKGROUND

Foreign Nationals

Federal campaign finance law defines a "foreign national" as any of the following:

1. a government of a foreign country and a foreign political party;
2. a person outside of the United States unless it is shown that the person is (a) an individual and a U.S. citizen domiciled in the United States or (b) not an individual, has its principal place of business in the United States, and is organized under, or created by, laws of the United States, a state, or another place subject to U.S. jurisdiction;
3. a partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country; or
4. an individual who is not a U.S. citizen or U.S. national and who is not lawfully admitted for permanent residence (52 U.S.C. § 30121(b) & 22 U.S.C. § 611(b)).

Prohibited Activities

Federal law prohibits a foreign national from, among other things, directly or indirectly making:

1. in connection with a federal, state, or local election, (a) a contribution or donation of money or anything of value, (b) an express or implied promise to make a contribution or donation, or (c) an expenditure or IE or
2. a contribution or donation to a federal, state, or local political party's committee.

It similarly prohibits soliciting, accepting, or receiving any contribution or donation described above from a foreign national (52 U.S.C. § 30121 & 11 C.F.R. § 110.20).

PA 24-34—HB 5308
Government Administration and Elections Committee

AN ACT CONCERNING ABSENTEE VOTING FOR CERTAIN PATIENTS OF NURSING HOMES

SUMMARY: This act allows nursing home patients to apply for an absentee ballot within the six-day period before the polls close at an election, primary, or referendum and to appoint someone who will bring them their ballot and deliver it to the town clerk. State law already allows this for hospital patients.

Under the act, the absentee ballot application must include the (1) name and address of the nursing home where the applicant is a patient; (2) name, address, and category of the designated person ("designee," see below); and (3) designee's authorization to deliver the completed ballot.

As under existing law, the designated person must (1) sign a statement on the application consenting to be the designee and agreeing not to tamper with the ballot and (2) personally submit the application to the town clerk. If the application is delivered within the appropriate timeframe, the clerk must give the designee an absentee ballot to be given to the patient.

Under the act, the designee must be (1) a person caring for the applicant because of the applicant's illness or physical disability (e.g., a licensed physician or a registered or practical nurse); (2) the applicant's family member; or (3) a police officer, registrar of voters, or deputy or assistant registrar of voters in the municipality where the patient resides (CGS § 9-140b).

EFFECTIVE DATE: Upon passage

BACKGROUND

Related Act

PA 24-148, § 5, includes this same provision on absentee ballots for nursing home patients.

PA 24-61—sSB 263
Government Administration and Elections Committee

AN ACT CONCERNING CITIZENS' ELECTION PROGRAM GRANTS FOR COURT-ORDERED PRIMARIES AND ELECTIONS AND FUNDING

SUMMARY: This act allows candidates participating in the Citizens' Election Program (CEP) to receive a grant from the program for (1) a new election or primary ordered by a court or (2) adjourned elections and primaries (i.e., contests that result in a tie and for which the subsequent primary or election is held three weeks later between the tied candidates). To qualify, the candidate must appear on the ballot for the new or adjourned contest and have received a CEP grant for the original contest. Previously, only adjourned election and primary grants were available under state law and only for participating legislative candidates.

The act also specifies that any funds deposited into the Citizens' Election Fund (CEF) based on a determination by the State Elections Enforcement Commission (SEEC) in advance of a gubernatorial election (1) are in addition to any deposits the law otherwise requires and (2) do not affect the amount deposited in other years.
EFFECTIVE DATE: July 1, 2024, except the CEF provision is effective July 1, 2025.

§§ 1 & 2 — CEP GRANTS FOR COURT-ORDERED AND ADJOURNED ELECTIONS AND PRIMARIES

The CEP is the state's voluntary public financing program available to candidates for legislative and statewide office. For each office, the table below lists the contests for which a CEP grant may be awarded for court-ordered and adjourned elections and primaries as well as the base grant amount. The act requires that these base amounts be adjusted for inflation under the same schedule as other CEP grant amounts (i.e., following changes in the consumer price index for all urban consumers (CPI-U) as published by the U.S. Department of Labor, Bureau of Labor Statistics).

Under state law, adjourned primary grants for legislators are available only to qualified major party candidates, while adjourned election grants are available to qualified major party, minor party, and petitioning candidates. The act applies these same requirements to the new and adjourned election and primary grants it authorizes. Additionally, like legislative candidates under existing law, an adjourned primary winner under the act must have his or her general election grant reduced by the amount of any unused portion of the adjourned primary grant (CGS § 9-705(h)(2)).

CEP Grant Amounts for Court-Ordered and Adjourned Primaries or Elections Added by the Act

Office	*Type of Contest*	*Base Grant Amount**
State Senator	New election or primary ordered by a court**	$15,000
State Representative	New election or primary ordered by a court**	5,000
Governor	Adjourned election, or a new election or primary ordered by a court	250,000
Lieutenant Governor	A new primary ordered by a court, or an adjourned primary where the candidate is campaigning jointly with the governor and there is no gubernatorial primary	75,000
Attorney General, State Comptroller, Secretary of the State, and State Treasurer	Adjourned election, or a new election or primary ordered by a court	75,000

*Must be adjusted for inflation; in 2024, the inflation-adjusted amounts are $21,900 for state senator and $7,300 for state representative
**Existing law allows grants for an adjourned election or primary in the same amounts as shown

§ 3 — CITIZENS' ELECTION FUND DEPOSITS

By law, grants to candidates participating in the CEP are made from the CEF. The CEF is funded mostly by proceeds from the state's sale of abandoned property that escheats (reverts) to it. State law requires that unclaimed property funds be

annually credited to the CEF in an amount equal to what was deposited in the previous fiscal year after an inflation adjustment by the state treasurer using the CPI-U (e.g., the deposit was $12.6 million in FY 22).

Beginning in FY 26, the law requires that in any fiscal year before the fiscal year of a gubernatorial election, funds be deposited in an amount deemed necessary to pay grants to CEP candidates in that election cycle. This amount must be based on SEEC's required report on this matter. (In each state election year, SEEC must determine whether the CEF has enough money to pay grants to CEP candidates.)

The act specifies that any deposit ahead of a gubernatorial election based on SEEC's report is in addition to the regular deposit. It likewise specifies that any SEEC-determined deposit is not considered when determining the amount of the subsequent year's deposit of unclaimed property funds.

PA 24-62—SB 264
Government Administration and Elections Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE BONDING AUTHORITY OF THE CONNECTICUT MUNICIPAL REDEVELOPMENT AUTHORITY, THE REPORTING OF MATERIAL FINANCIAL OBLIGATIONS BY STATE AGENCIES, TAX-EXEMPT PROCEEDS FUND REFERENCES AND THE NOTIFICATION OF THE SALE OR LEASE OF PROJECTS FINANCED WITH BOND PROCEEDS

SUMMARY: This act limits the Municipal Redevelopment Authority's (MRDA) bonding authority, generally aligning it with other quasi-public agencies. Among other things, the act does the following:

1. removes a requirement for the state to assume liability of and make payment for MRDA debt if the authority cannot pay for its bonds, notes, or other obligations (§§ 1 & 3);
2. authorizes the authority to establish one or more special capital reserve funds (SCRF) to secure the principal and interest payments on its bonds (§ 3); and
3. caps at $50 million the total amount of MRDA bonds that may be secured by its SCRFs (§ 3).

The act also makes the following unrelated changes:

1. eliminates redundant indemnification provisions that apply specifically to MRDA's directors, officers, and employees and people executing its bonds, notes, and other obligations (§§ 2 & 3) (a separate law already indemnifies them along with those at other quasi-public agencies (see CGS § 1-125));
2. requires state employees, officers, agencies, departments, boards, commissions (including the UConn Health Care Finance Corporation), and their agents to notify the state treasurer before incurring certain financial obligations that must be reported under federal securities law (§ 4);
3. explicitly requires that certain property sales, leases, and other dispositions involving state bond financed projects receive the state treasurer's prior approval (§ 5);
4. eliminates the requirement that the state treasurer, or his designee, serve as a member of any study committee formed on regional school district withdrawals or dissolutions (§ 13); and
5. eliminates obsolete statutory references to the Tax-Exempt Proceeds Fund, which no longer exists (§§ 6-12 & 14-18).

EFFECTIVE DATE: Upon passage, except that the provisions on the Tax-Exempt Proceeds Fund and the treasurer's approval for certain property sales, leases, and dispositions are effective July 1, 2024.

§ 3 — MRDA SCRF-BACKED BONDS

SCRF Authorization

The act allows MRDA to establish one or more SCRFs in connection with its bonds. It allows MRDA to pay into the SCRFs (1) any state appropriations for the SCRF; (2) proceeds from the sale of MRDA bonds, if the MRDA resolution authorizing the bonds allows it; and (3) any other funds the authority receives for a SCRF. The maximum amount of SCRF-backed bonds that MRDA may issue is $50 million.

Allowable Use of SCRFs

The act requires the SCRF to be used only for (1) paying principal and interest on SCRF-backed bonds, (2) buying SCRF-backed MRDA bonds before maturity, and (3) paying any premiums required to pay off the bonds before maturity.

It allows MRDA to limit SCRF withdrawals so that a fund's balance does not fall below the (1) maximum principal and interest amount due at maturity or a required sinking fund installment due on MRDA bonds outstanding in the current or any future calendar year or (2) SCRF amount required to preserve the bonds' federal tax exemption (i.e., "required minimum capital reserve"). However, this withdrawal prohibition cannot apply to paying the principal and interest and redemption premium on SCRF-backed bonds if other authority funding is not available.

The act allows MRDA to decide not to issue new SCRF-backed bonds if the required minimum capital reserve on its outstanding bonds and the bonds to be issued will exceed the funds in the SCRF, unless it deposits enough funds into the SCRF to keep its balance at or above the reserve amount.

Maintaining the Required Minimum Capital Reserve

For any SCRF with a balance below the required minimum capital reserve, the act requires MRDA to deposit enough funds to meet the reserve amount for the SCRF from any available resources not otherwise pledged or dedicated by November 31 each year. By December 1 annually, but after MRDA has made these deposits, the act automatically appropriates from the General Fund any funds needed to meet the reserve amount in the SCRF, as certified by MRDA's chairperson or vice-chairperson to the Office of Policy and Management (OPM) secretary; state treasurer; and Planning and Development and Finance, Revenue and Bonding committees. In evaluating the SCRF balance, the act requires investments to be valued at amortized cost.

Subject to its agreements with bondholders, MRDA must repay the state from whatever funds are not needed for its other corporate purposes within one year after meeting all its obligations from its bonds and notes, including interest, and all costs and expenses incurred in connection with any action or proceeding by or on behalf of the bondholders.

Limitation on Issuing SCRF-Backed Bonds

Under the act, MRDA cannot issue bonds secured by a SCRF unless the following conditions are met:

1. it informs the OPM secretary and state treasurer (with supporting documentation), or their deputies, that project revenues are sufficient to (a) pay the bonds' principal and interest; (b) establish, increase, and maintain any reserves it deems advisable to secure principal and interest payments; (c) pay the project's maintenance and insurance costs; and (d) pay other required project costs and
2. the OPM secretary and treasurer, or their deputies, approve the issuance.

Under the act, OPM's approval may waive or change any of the SCRF-backed bond requirements described above if the secretary deems it necessary or appropriate for the issuance, subject to any applicable state or MRDA tax covenants.

Other Debt Service Reserve Funds

The act specifies that these provisions do not preclude MRDA from establishing other debt service reserve funds that are not SCRFs.

§ 4 — PRIOR NOTICE TO TREASURER OF REPORTABLE FINANCIAL OBLIGATIONS

The act requires state employees, officers, agencies, departments, boards, commissions (including the UConn Health Care Finance Corporation), and their agents to notify the state treasurer before (1) incurring certain financial obligations of the state or (2) entering into an agreement to covenants, events of default, remedies, priority rights, or other similar terms related to these state financial obligations. Along with the notice, they must also submit any documents under which the financial obligation or agreement is to be incurred or entered into.

These requirements apply to any "financial obligation" exceeding $1 million or encumbering state property or rights that are material to state operations. Under the act, "financial obligation" has the same meaning as under federal securities law, which is generally a (1) debt obligation; (2) derivative instrument entered into in connection with, or pledged as security or payment for, an existing or planned debt obligation; or (3) guarantee for either of these obligations.

After receiving this notice and documentation, the act requires the treasurer to determine whether the information provided is adequate for him to timely meet federal securities law disclosure requirements. The treasurer may request more information that he finds necessary to make this determination. If he is satisfied that the information is adequate to meet these disclosure requirements, the treasurer, or his designee, must give written acknowledgement to the person or entity seeking to incur the financial obligation or enter into the agreement. The act prohibits them from incurring the financial obligation or entering into the agreement until they have received this written acknowledgement.

The act allows the treasurer to establish and revise exemptions from these filing requirements as he determines are

consistent with the state's disclosure obligations under federal securities law.

§ 5 — TREASURER APPROVAL FOR CERTAIN TRANSACTIONS INVOLVING STATE BOND FINANCED PROJECTS

The act explicitly requires that certain property sales, leases, and other dispositions receive the state treasurer's prior approval. This requirement applies to sales, leases, and other dispositions to, or uses by, a nongovernmental entity of all or a portion of a project financed by tax-exempt state bonds if the transactions would cause the bonds to be treated as private activity bonds. (Private activity bonds are federally tax-exempt bonds issued by the state, municipalities, and quasi-public agencies to finance private projects that serve a public purpose. Federal law limits the volume of tax-exempt private activity bonds that can be issued each year.) As under existing law, the treasurer may transfer all or a portion of the transaction's proceeds for specified purposes to maintain the bonds' tax-exempt status.

PA 24-70—sSB 435
Government Administration and Elections Committee
Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE DESIGNATION OF FARM LAND AND OPEN SPACE LAND AND REVISIONS TO THE CONNECTICUT ENTITY TRANSACTIONS ACT

SUMMARY: This act makes the following prima facie evidence of land being classified as "farm land" or "open space land" for the state's PA 490 program and qualifying for the program's reduced property tax rate:

1. an advisory opinion from the Department of Agriculture (DoAg) commissioner stating that land is "farm land" or "open space land" or
2. inspection and approval by the DoAg commissioner or his designee of an agricultural or farming operation, place, establishment, or facility.

The act also specifies that DoAg inspection and approval is prima facie evidence that a farming operation constitutes agriculture or farming for purposes of excluding them from being deemed a nuisance for things like odor, noise, or dust.

Lastly, the act makes changes to the Connecticut Entity Transactions Act (CETA), which concerns cross-entity transactions such as mergers, conversions, domestications, and interest exchanges. It:

1. eliminates bans on certain corporations, associations, cooperatives, and entities from participating in transactions covered by CETA;
2. specifies that qualified foreign entities (i.e., those whose internal affairs are not governed by Connecticut law but are authorized to transact business in the state) do not need to appoint the secretary of the state as their agent for service of process when a merger, conversion, or domestication takes effect (these entities elect their agent for service when filing with the secretary of the state to do business); and
3. makes minor and conforming changes, including (a) clarifying that business corporations subject to CETA include all corporations with capital stock governed by state law; (b) replacing references for certain document filings by referring to "certificates" instead of "statements," conforming to terminology in other statutes (such as certificates of merger, abandonment, and domestication); and (c) specifying that CETA does not limit the attorney general's authority under other laws and that it is a court order, not one from the attorney general, that will allow for disposal of charitable purpose property in keeping with charitable asset laws and legal principles.

EFFECTIVE DATE: July 1, 2024, except that the CETA provisions are effective October 1, 2024.

PA 490 PROGRAM

By law, the PA 490 program allows certain land classifications, including "farm land" and "open space land," to be assessed at their current use value, rather than their fair market value (CGS § 12-63). "Current use value" refers to what the land is worth as it is actually used; "fair market value" refers to what the land may be worth on the open market (i.e., its highest and best use). Someone seeking PA 490 classification to have land taxed at this reduced rate must apply to the local assessor, who then determines if the land qualifies.

The act makes an advisory opinion from the DoAg commissioner stating that the land is "farm land" or "open space land" or his (or his designee's) inspection and approval of an agricultural or farming operation, place, establishment, or facility prima facie evidence that the land meets the program's classification requirements (see BACKGROUND). Generally, prima facie evidence is evidence that will establish a fact or sustain a judgment unless there is contradictory

evidence.

Existing law allows the commissioner to issue an advisory opinion about a land's classification under PA 490 if a municipality, state agency, tax assessor, or landowner requests one (CGS § 22-4c(4)).

CETA — PARTICIPATING ENTITIES & TRANSACTIONS

The law prohibits certain business entities from participating in transactions covered by CETA. The act eliminates this ban for the following entities:

1. business corporations formed under a special act;
2. cooperative associations formed under chapter 595;
3. cooperative marking corporations formed under chapter 596;
4. electric cooperative corporations formed under chapter 597;
5. worker cooperative corporations formed under chapter 599a;
6. nonprofit and not-for-profit corporations;
7. nonstock corporations formed under chapter 602;
8. unincorporated nonprofit associations;
9. cooperatives;
10. business trusts or statutory trust entities; and
11. any person with a separate legal existence or the power to acquire an interest in real property in its own name other than (a) an individual; (b) a testamentary, inter vivos, or charitable trust, but not a business trust, statutory trust entity, or similar trust; (c) an association or relationship that is not a partnership solely by reason of the law of another jurisdiction; (d) a decedent's estate; or (e) a government, a governmental subdivision, agency, or instrumentality or a quasi-governmental instrumentality.

Under prior law, CETA also generally did not affect (1) conversions, mergers, consolidations, interest exchanges, divisions, or other CETA transactions between or among entities of the same type or (2) these same actions involving a domestic entity organized to provide professional services and a different domestic entity (unless they provided the same services). The act removes this exemption for conversions, consolidations, divisions, and other CETA transactions (i.e., keeping mergers and interest exchanges) between same-type entities. For entities providing professional services, it broadens when CETA affects transactions by (1) eliminating the consolidation and division exemptions and (2) applying it to those in which the converted, surviving, acquired, or domestic entity's organic law allows it to provide the same services.

BACKGROUND

PA 490: Farm Land and Open Space Land

By law, for the PA 490 program, "farm land" is any tract or tracts of land, including woodland, wasteland, and underwater farmlands for aquaculture, constituting a farm unit. In determining whether land is farm land, a tax assessor must consider, among other things, the (1) total acreage, (2) portion being used for agricultural practices, (3) land's productivity, (4) gross income derived from the land, (5) nature and value of related equipment, and (6) extent to which farm land tracts are contiguous (CGS §§ 12-107b & -107c).

A property qualifies as "open space" if it is in an area that a municipality's planning commission designated as open space in its plan of conservation and development. The commission may designate the area as open space if it would (1) maintain and enhance natural or scenic resources; (2) protect streams or water supplies; (3) promote soil conservation; (4) enhance the value of parks, forests, other open spaces, public recreation, or historic sites; or (5) promote orderly development (CGS §§ 12-107b & -107e).

PA 24-114—sSB 393
Government Administration and Elections Committee

AN ACT IMPLEMENTING THE TREASURER'S RECOMMENDATIONS CONCERNING UNCLAIMED PROPERTY

SUMMARY: By law, most property held or owed in this 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. This act makes various changes to these laws. Principally, the act:

1. establishes circumstances under which virtual currency is presumed abandoned and explicitly subjects it to the state's unclaimed property law (§§ 1 & 2),
2. requires business associations and banking or financial organizations holding abandoned virtual currency to liquidate it before delivering its net proceeds to the treasurer as escheated property (§ 3),
3. expands the notice requirements for unclaimed property holders (§ 3),
4. gives the treasurer discretion to contact apparent property owners in the way he deems most appropriate (§ 4),
5. establishes circumstances under which the treasurer may distribute certain unclaimed property for deceased owners (§ 5), and
6. requires the treasurer and the Department of Revenue Services (DRS) to enter into an agreement establishing a procedure for data sharing to identify property owners and facilitate the electronic return of unclaimed property (§§ 6 & 7).

EFFECTIVE DATE: July 1, 2024, except that provisions on sharing tax returns and the circumstances for distributing property of deceased owners are effective upon passage.

§§ 1-3 — REQUIREMENTS FOR SPECIFIED TYPES OF ABANDONED PROPERTY

Abandoned Virtual Currency Held by Banks and Financial Institutions

The act explicitly adds virtual currency as a type of property subject to the state's unclaimed property law. By law, and under the act, virtual currency is any type of digital unit that is used as a medium of exchange or a form of digitally stored value or that is incorporated into payment system technology. It generally does not include digital units used for online games or customer rewards programs (CGS § 36a-596(21)).

Under the act, virtual currency held by a business association or banking or financial organization that facilitates the purchase, storage, or transfer of virtual currency through a secure system is presumed abandoned (1) if the owner has not accessed the secure system within three years or (2) on the date the association or organization is dissolved (voluntarily or involuntarily) or liquidated.

Sales of Virtual Currency and Property From a Safe Deposit Box

The act extends certain requirements to holders of abandoned virtual currency that existing law applies to holders of abandoned personal property from a safe deposit box. Specifically, it:

1. requires holders to sell the abandoned virtual currency and transfer the sale proceeds (minus any charges that may be lawfully withheld), along with any relevant records the treasurer deems appropriate, to the treasurer;
2. exempts the holders from responsibility for claims related to virtual currency sales or transfers to the treasurer;
3. allows the holder to dispose of the virtual currency in any way it considers appropriate, and exempts the holder from responsibility for any claims related to the virtual currency's disposition or the virtual currency itself if the treasurer, by regulation or guideline, exempts the virtual currency from requirements that it be sold and the proceeds remitted to him; and
4. specifies that the charges that may lawfully be withheld from abandoned virtual currency sale proceeds include costs for storage, appraisal, advertising, and sales commissions.

Existing law requires holders to pay or deliver abandoned property and report on the property to the state treasurer within 90 days after the end of the calendar year in which the property is presumed abandoned. For both safe deposit box property and virtual currency, the act requires the property holder to sell the property and deliver the proceeds within 30 days after reporting the property to the treasurer.

Tangible Personal Property

Existing law allows the holder of abandoned personal property from a safe deposit box to contract with a third party to store and sell the property and pay the proceeds to the treasurer, if the third party is bonded or insured in performing these activities. The act modifies this authority to cover holders of any tangible personal property, and in doing so extends the liability protections described above for sales and transfers of safe deposit box property and virtual currency.

§§ 3 & 4 — NOTIFICATIONS

Notice to the Owner

By law, before property is presumed abandoned, the holder of the property must notify the property owner that the owner must indicate his or her interest in the property or it will be transferred to the treasurer and subject to escheat to the state. The act requires holders to take reasonable steps to prevent property from being presumed abandoned by, at least, sending this notice by email if the owner has consented to electronic delivery for notices required by law, in addition to first-class mail as required by existing law. The act specifies that these provisions may not be interpreted to require an owner to agree to electronic notices for communications about unclaimed property.

Additionally, for any abandoned security, virtual currency, or tangible property from a safe deposit box, the notice must indicate that the property may be liquidated before or after its reporting to the state treasurer and that the owner's claim is limited to the liquidation's proceeds.

For (1) wages, salaries, or compensation or (2) utility deposits, refunds, or other sums, the act requires that holders send the mail and email notices at least 180 days before the property is presumed abandoned, rather than within 180 days before as prior law required. As under existing law, for other property, holders must send these notices within a year before the property is presumed abandoned.

Report to the Treasurer

Existing law generally requires property holders, within 90 days after the end of the calendar year in which property is presumed abandoned, to deliver it to the treasurer and prepare an unclaimed property report that includes, among other things, the name and physical address of the property's apparent owner. The act additionally requires holders to report the owner's last-known email address and telephone number, if any.

Notice by Treasurer

Prior law generally required the treasurer to notify by first-class mail each person (1) reported as the apparent owner of unclaimed property during the preceding calendar year and (2) for whom the holder reported a last-known address. The act instead requires him to provide this notice (1) in a manner he deems appropriate, rather than only by first-class mail, and (2) to anyone for whom the holder reported a last-known address, email address, or telephone number.

§ 5 — PAYMENTS FOR PROPERTY OF DECEASED OWNERS

Under the act, the treasurer may, under two specific circumstances, make direct payments to claimants for certain unclaimed property of deceased owners without the claimant having (1) been granted a decree to transfer personal property, (2) been issued a current fiduciary certificate, or (3) secured any other similar document. Specifically, the treasurer may do so if the unclaimed property is solely owned by the deceased owner and valued at less than $500 in total at the time of claim.

The first of these circumstances is if a claimant provides a certified claim and sworn affidavit (under penalty of perjury) showing that they are entitled to the property and (1) no affidavit in lieu of administration or similar petition has been filed in probate court or (2) more than a year has passed since the last decree to transfer personal property or other similar document was issued. The affidavit must be in a form the treasurer requires and at least include the claimant's affirmation that he or she is the sole heir or attestations from all other heirs with a valid claim to the property confirming the property's rightful distribution under the law.

The second circumstance is if the claimant provides the same certified claim and sworn affidavit, but instead, the probate court appointed a fiduciary for the decedent's estate and the estate has been closed more than a year before the unclaimed property was discovered. The affidavit must at least include (1) the claimant's affirmation that he or she was the

previously appointed fiduciary and will distribute the funds as required by law or (2) attestations from any rightful heirs or beneficiaries confirming the property's rightful distribution under the law.

The act specifies that payment of the amount owed under these provisions constitutes a full acquittance and release of the state for the amount paid. Claimants paid by the treasurer in good faith are answerable to anyone negatively affected by an improper distribution or payment. Further, the act specifies that these provisions may not be construed to modify or eliminate a claimant's responsibilities under state or federal law.

§§ 6 & 7 — TAX DATA SHARING

The act requires the treasurer and DRS commissioner to enter into a data-sharing agreement to allow for the disclosure of tax return information and other relevant information in the commissioner's possession to the treasurer to facilitate the (1) identification of unclaimed property owners and (2) payment of claims via direct deposit or other electronic means. The act specifies that this agreement may not unnecessarily delay or impede the treasurer's ability to comply with the law's requirements for an unclaimed property payment. The act also makes a conforming change to allow the DRS commissioner to disclose return information for these purposes.

PA 24-121—HB 5304
Government Administration and Elections Committee

AN ACT DESIGNATING THE STATE DOG AND STATE CANDY AND CREATING A WORKING GROUP CONCERNING REDESIGNATING THE STATE INSECT

SUMMARY: This act designates the Siberian Husky as the state dog and the lollipop as the state candy.

It also creates a working group to study redesignating the state insect, which is currently the praying mantis. The working group must study the reasons for keeping or redesignating the current state insect and consider potential alternatives that are native to the state, such as the spring azure butterfly and autumn meadowhawk dragonfly. The group must report its findings and recommendations to the Government Administration and Elections (GAE) Committee by February 15, 2025. The report must include a recommendation on whether to redesignate the current state insect and, if so, which insect and why. The group ends once it submits the report or on February 15, 2025, whichever is later.
EFFECTIVE DATE: October 1, 2024, except that the provision on the state insect working group is effective upon passage.

WORKING GROUP

Under the act, the working group consists of eight members. The House speaker must appoint two members, one of whom must be a student interested in making the spring azure butterfly the state insect, and the Senate president pro tempore must appoint two members, one of whom must be a student interested in making the autumn meadowhawk dragonfly the state insect. The House and Senate majority and minority leaders must each appoint one of the other four members. Any of the working group members may be General Assembly members, all initial appointments must be made within 30 days after the act becomes effective (i.e., by July 5, 2024), and any vacancy must be filled by the appointing authority.

The act requires the House speaker and Senate president pro tempore to select the working group's chairpersons from among its members. The chairpersons must schedule and hold the group's first meeting within 60 days after the act takes effect (i.e., by August 4, 2024). The GAE Committee's administrative staff must serve as the working group's administrative staff.

PA 24-128—sHB 5407
Government Administration and Elections Committee

AN ACT DEFINING "DEPENDENT CHILD" FOR PURPOSES OF THE STATE CODE OF ETHICS FOR PUBLIC OFFICIALS AND CONCERNING THE EXERCISE OF JURISDICTION OVER NONRESIDENTS BY THE OFFICE OF STATE ETHICS

SUMMARY: This act defines a "dependent child" in the state's Code of Ethics for Public Officials as a covered official's son, daughter, or stepchild who qualifies as the official's dependent child under federal tax law. Generally, to qualify as a dependent child under federal tax law, a child must (1) share a principal residence with the official; (2) be under age 19 (or

24 if a student); (3) have provided less than half of their own support for the year; and (4) not have filed a joint return with their spouse.

Although the Code of Ethics did not previously define a "dependent child," under it public officials have a substantial conflict of interest if their dependent child will get a direct monetary gain or suffer a direct monetary loss because of their official activity (unless it accrues to the child as a member of a profession, occupation, or group to no greater extent than other members of that profession, occupation, or group) (CGS § 1-85). Public officials in certain positions must also include specified information about their dependent children in the statements of financial interest they must file (CGS § 1-83).

The act also specifies that under the state laws on ethical considerations for bidding and state contracts, the Office of State Ethics' (OSE) long-arm jurisdiction over out-of-state residents or their agents is limited to those who (1) pay money or give anything of value to a public official or state employee to obtain a competitive advantage, solicit non-public information, or unduly influence the award of certain state contracts or (2) are, or are seeking to become, prequalified state contractors or substantial subcontractors.

EFFECTIVE DATE: October 1, 2024, except that the provision on OSE's long-arm jurisdiction is effective upon passage.

PA 24-148—sHB 5498
Government Administration and Elections Committee
Judiciary Committee

AN ACT CONCERNING ELECTION SECURITY AND TRANSPARENCY, THE COUNTING OF ABSENTEE BALLOTS, ABSENTEE VOTING FOR CERTAIN PATIENTS OF NURSING HOMES, SECURITY OF CERTAIN ELECTION WORKERS, STATE ELECTIONS ENFORCEMENT COMMISSION COMPLAINTS, BALLOTS MADE AVAILABLE IN LANGUAGES OTHER THAN ENGLISH AND VARIOUS OTHER REVISIONS RELATED TO ELECTION ADMINISTRATION

TABLE OF CONTENTS:

§§ 8 & 9 — ABSENTEE BALLOT APPLICATION FORMS

Requires absentee ballot applications to be designated for a specific year and prohibits their use and distribution without a valid designation; limits the number of applications a person may request during certain periods

§ 10 — CONFIDENTIALITY OF VOTER REGISTRATION DATA FROM OTHER ENTITIES

Requires all data shared from state agencies, other states, and the federal government for the voter registration system to be confidential

§ 11 — ABSENTEE BALLOT VERIFICATIONS

Requires town clerks to use the statewide centralized voter registration system when performing duties under state election law

§§ 12-15 — AUTHORIZED INDIVIDUALS AT CERTAIN ELECTION SITES

Specifies certain individuals who may be present at early voting and same-day election registration locations; prohibits candidates from participating in the counting of ballots at ballot counting locations or being in a polling location during voting hours in most circumstances; clarifies how the "75-foot rule" is measured from the outside entrance of early voting and same-day election registration locations

§ 16 — PERMANENT ABSENTEE BALLOT STATUS

Eliminates the requirement that electors lose permanent absentee ballot status if they do not timely return the annual address confirmation notice

§ 17 — POST-ELECTION AUDIT TIMELINES

Expands the timeline to conduct post-election audits for municipal elections

§§ 18-23 — APPEARANCE OF BALLOT VACANCIES

Generally requires election officials to obscure candidates' names in an opaque manner if a ballot vacancy occurs, instead of using blank stickers

§ 24 — SEEC COMPLAINTS

Requires referral of certain complaints filed with SEEC to the chief state's attorney and requires him to report on these referrals to the GAE and Judiciary committees

§§ 25 & 26 — EARLY VOTING LOCATIONS AND MODERATORS

Modifies the deadlines for designating early voting locations; establishes a procedure for appointing a registrar as an early voting moderator

§ 27 — VOTER REGISTRATION RECORD CHECKS

Requires, rather than allows, the secretary of the state to annually search for duplicate registrations and send a list of possible duplications to the appropriate towns; expands the search's scope to include voters registered more than once in the same town

§§ 28 & 29 — CROSS-REFERENCING JURY INFORMATION WITH THE VOTER REGISTRATION SYSTEM

Requires the secretary of the state to receive the jury administrator's list of all juror information and cross-reference it with the voter registration system

§ 30 — BALLOT TRANSLATION

Requires the secretary of the state to evaluate the process for translating ballots and report her recommendations to the legislature by January 15, 2025

§ 31 — NONDISCLOSURE OF ELECTION WORKERS' RESIDENTIAL ADDRESSES

Allows election workers to request nondisclosure of their residential address from municipal public agencies

SUMMARY: This act makes various unrelated election law changes. It also makes other minor, technical, and conforming changes. A section-by-section analysis appears below.
EFFECTIVE DATE: Various; see below.

§ 1 — RECORDING ABSENTEE BALLOT DROP BOXES

Requires municipalities to make video recordings of drop boxes and release them to the public; specifies that town clerks must retrieve ballots from these drop boxes at the close of the polls; allows the secretary of the state to adopt regulations on using drop boxes

Under existing law, voters may cast absentee ballots by depositing them into a drop box that is regularly checked by the town clerk. The act requires municipalities, by July 1, 2025, to install video recording devices to record each absentee ballot drop box. The recording must (1) begin the first day absentee ballots are issued for an election or primary, (2) continue until the last ballot retrieval by the town clerk, and (3) include evidence of the date and time. The act also specifies that clerks must check the drop boxes at the close of the polls for every election, primary, or referendum and pick up the absentee ballots inside.

Under the act, these recordings must be made available to the public as soon as practicable, but no later than five days after the last retrieval. Additionally, the municipality must keep these recordings for a year. This requirement may be extended if the State Elections Enforcement Commission (SEEC) or a court with jurisdiction orders their retention until a related pending investigation concludes. Once the deadline has passed, the municipality may destroy the recording.

The act also allows the secretary of the state to adopt regulations on using drop boxes, which may include provisions on drop box placement and position, video recording of the boxes, and retention of recordings.
EFFECTIVE DATE: Upon passage

§ 2 — RECEIPT OF ABSENTEE BALLOTS

Requires town clerks to record how absentee ballots are received and sets reporting requirements

The act requires town clerks to note on the outer envelope of each absentee ballot how the ballot was returned to the clerk: (1) through a mail service (e.g., the U.S. Postal Service); (2) to a drop box, and if so, the box's location; (3) in-person by the voter; or (4) in-person by the voter's designee or immediate family member. As soon as reasonably practical after the polls close, the town clerk must give the secretary of the state a report detailing the total number of absentee ballots returned and a count of ballots returned by each method described above.
EFFECTIVE DATE: July 1, 2024

§ 3 — REQUESTS FOR ADDITIONAL ABSENTEE BALLOT APPLICATIONS

Requires voters to personally request additional absentee ballot applications

Under existing law, voters may apply for a new absentee ballot after one has already been issued to them for various reasons (e.g., the previous ballot became unusable) and must note their reason for requesting a new ballot when applying for it. The act specifies that voters must personally request a subsequent absentee ballot either (1) in person or (2) by having it directly mailed to them at a bona fide address they designate.
EFFECTIVE DATE: Upon passage

§§ 3 & 4 — RECEIPT OF MULTIPLE ABSENTEE BALLOTS

Specifies that, in certain circumstances, if multiple absentee ballots are received from the same voter, the ballot last received by the town clerk is considered valid instead of the ballot with the latest postmark or serial number

Under prior law, if the town clerk received multiple absentee ballots from an armed forces member, the ballot bearing

the latest postmark was counted and all earlier postmarked ballots rejected. Instead, under the act, the absentee ballot last received by the clerk is considered valid and all others must be rejected.

Similarly, if voters were sent an additional ballot due to an error or omission on the original ballot by the town clerk, prior law required that the ballot received by the town clerk with the latest serial number be counted. The act requires the ballot last received by the town clerk be counted instead.

EFFECTIVE DATE: Upon passage

§ 5 — ABSENTEE BALLOTS FOR NURSING HOME PATIENTS

Authorizes nursing home patients to request absentee ballots within six days of an election contest and appoint a designee to assist them

The act allows nursing home patients to apply for an absentee ballot within the six-day period before the polls close at an election, primary, or referendum and to appoint someone who will bring them their ballot and deliver it to the town clerk. State law already allows this for hospital patients.

Under the act, the absentee ballot application must include the (1) name and address of the nursing home where the applicant is a patient; (2) name, address, and category of the designated person ("designee," see below); and (3) designee's authorization to deliver the completed ballot.

As under existing law for hospital patients, the designated person must (1) sign a statement on the application consenting to be the designee and agreeing not to tamper with the ballot and (2) personally submit the application to the town clerk. If the application is delivered within the appropriate timeframe, the clerk must give the designee an absentee ballot to be given to the patient.

Under the act, the designee must be (1) a person caring for the applicant because of the applicant's illness or physical disability (e.g., a licensed physician or a registered or practical nurse); (2) the applicant's family member; or (3) a police officer, registrar of voters, or deputy or assistant registrar of voters in the municipality where the patient resides (CGS § 9-140b).

EFFECTIVE DATE: Upon passage

Background — Related Act

PA 24-34 includes this same provision on absentee ballots for nursing home patients.

§§ 6 & 7 — VOTING CRIMES

Expands the prohibition on using certain means to influence or attempt to influence a voter to stay away from an election to include using these means to influence a voter to refrain from voting; specifies certain existing voting interference crimes include votes cast by mail, into a secure drop box, or in-person; establishes specific criminal penalties for harassing election workers and gives election workers a civil cause of action against violators

Voter Interference Crimes

Existing law makes it a class D felony to influence or attempt to influence a voter to stay away from an election by force or threat, bribery, or corrupt, fraudulent, or deliberately deceitful means (see Table on Penalties). The act extends this provision to also cover using these prohibited actions to influence or attempt to influence an elector to refrain from voting.

Under existing law, it is a class C felony to willfully and fraudulently suppress or destroy any vote or ballot properly given or cast, or to willfully miscount or misrepresent the votes. The act specifies that a violation of these provisions may occur for votes cast (1) by mail; (2) into a secure drop box; or (3) in person at a polling place, early voting location, or same-day election registration location.

Harassment of Election Workers

The act makes it a class C felony to influence or attempt to influence through force, threat, or harassment an election worker performing election administration duties. This applies to town clerks, registrars of voters, deputy registrars, and election, primary, and recanvass officials.

The act also makes it a class A misdemeanor to publicly disclose an election worker's personal identifying information with the intent to harass, terrorize, or alarm the worker or influence them in performing their election administration duties.

"Personal identifying information" is any name, number, or other information that may be used to identify a specific individual, (e.g., name, date of birth, and Social Security number).

The act gives election workers a civil cause of action against violators of either provision.

EFFECTIVE DATE: July 1, 2024

§§ 8 & 9 — ABSENTEE BALLOT APPLICATION FORMS

Requires absentee ballot applications to be designated for a specific year and prohibits their use and distribution without a valid designation; limits the number of applications a person may request during certain periods

The act requires the secretary of the state, on each absentee ballot application, to clearly and conspicuously note the year the application is valid. It also prohibits (1) town clerks from providing or accepting ballots without the applicable year noted and (2) any person from distributing or using an application without the current year noted.

Under existing law, a person may request multiple absentee ballot applications for themselves or others. The town clerk must maintain a log of individuals who have requested applications, their names and addresses, and how many applications they have requested. The act also prohibits town clerks from giving a person five or more ballot applications for an election, primary, or referendum if requested 90 days or more before absentee ballots are issued for that election contest.

EFFECTIVE DATE: January 1, 2025

§ 10 — CONFIDENTIALITY OF VOTER REGISTRATION DATA FROM OTHER ENTITIES

Requires all data shared from state agencies, other states, and the federal government for the voter registration system to be confidential

Under current practice, Connecticut state agencies, other states, and the federal government give the secretary of the state data to maintain Connecticut's voter registration systems. Prior law required the secretary to designate this information as confidential if the entity that gave the data to her required it.

Instead, the act requires the secretary to designate all data received for these purposes from these entities as confidential. As under existing law, this information may be shared with secretary-supervised third-party vendors that maintain this system and agree to protect this information.

EFFECTIVE DATE: Upon passage

§ 11 — ABSENTEE BALLOT VERIFICATIONS

Requires town clerks to use the statewide centralized voter registration system when performing duties under state election law

Under existing law, town clerks perform a variety of functions to oversee and implement election law at the local level. The act requires town clerks, starting July 1, 2024, to use the statewide centralized voter registration system whenever carrying out state election law provisions.

EFFECTIVE DATE: July 1, 2024

§§ 12-15 — AUTHORIZED INDIVIDUALS AT CERTAIN ELECTION SITES

Specifies certain individuals who may be present at early voting and same-day election registration locations; prohibits candidates from participating in the counting of ballots at ballot counting locations or being in a polling location during voting hours in most circumstances; clarifies how the "75-foot rule" is measured from the outside entrance of early voting and same-day election registration locations

Existing law allows (1) the public to observe absentee ballot counting at central counting locations and (2) election officials serving at a polling place to observe absentee ballot counting at that place. The act specifically prohibits candidates up for election or nomination from participating in counting ballots at these locations, except for town clerks, registrars, or deputy registrars who are on the ballot and are performing their official duties. It also prohibits these candidates from being in a polling place during voting hours for any reason other than to cast a ballot, subject to the same exception for town clerks, registrars, and deputy registrars.

The law also generally prohibits individuals from soliciting support for or opposition to a candidate or a ballot question within a 75-foot radius of early voting or same-day election registration locations, except for certain individuals performing official duties or conducting government business. The act specifies that this 75-foot radius is measured from the outside entrance to the building containing the designated location, instead of from the outside entrance to the location. By law, unchanged by the act, this prohibition also applies in a hallway or other approach leading from the entrance and in any room opening upon the hallway or approach.

The act further specifies that the additional people who may be within an early voting or same-day election registration location include:

1. a voter casting his or her vote;
2. a primary or election official (including town clerks and registrars performing their official duties, even if they are on the ballot for that election); and
3. unofficial party checkers.

EFFECTIVE DATE: July 1, 2024

§ 16 — PERMANENT ABSENTEE BALLOT STATUS

Eliminates the requirement that electors lose permanent absentee ballot status if they do not timely return the annual address confirmation notice

Under existing law, any voter who is either permanently physically disabled or suffering a long-term illness and unable to appear at a polling place on election day may apply for permanent absentee ballot status and to automatically be sent an absentee ballot for each election, primary, and referendum.

Existing law requires registrars to annually send a written notice in January to each voter with this status to determine if they still reside at the address provided. Prior law required registrars to remove a voter's permanent status if the voter did not respond within 60 days. The act eliminates this requirement. Existing law, unchanged by the act, still requires registrars to remove a voter's permanent absentee ballot status if the notice is returned as undeliverable.

EFFECTIVE DATE: Upon passage

§ 17 — POST-ELECTION AUDIT TIMELINES

Expands the timeline to conduct post-election audits for municipal elections

After a regular election or primary, state law requires audits of at least 5% of the jurisdiction's voting districts (i.e., polling locations), selected at random by the secretary of the state and conducted by registrars of voters.

Prior law required these audits to take place at least (1) 15 days after the contest but (2) two business days before the canvass of votes. The act maintains the existing requirements for federal and state elections but allows the audits for municipal elections and primaries to begin five days after the contest, instead of 15. The act still requires completion at least two business days before the canvass.

EFFECTIVE DATE: July 1, 2024

§§ 18-23 — APPEARANCE OF BALLOT VACANCIES

Generally requires election officials to obscure candidates' names in an opaque manner if a ballot vacancy occurs, instead of using blank stickers

The act conforms the law to existing practice by expanding the ways that town clerks may obscure a candidate's name when there is an unfilled vacancy on the ballot in a primary or general election (i.e., due to the candidate's death, withdrawal, or disqualification). Previously, the law required clerks to place blank stickers over the name, but in practice and following guidance from the secretary of the state, they generally did not use blank stickers because the state's voting tabulators cannot process ballots with stickers. The act generally requires town clerks, instead of using blank stickers, to obscure the name so it is no longer visible, without specifying the means to do so (e.g., using a black marker). For presidential primaries, it specifically allows the secretary of the state to authorize clerks to use blank stickers or other means to obscure a deceased candidate's name.

EFFECTIVE DATE: July 1, 2024

§ 24 — SEEC COMPLAINTS

Requires referral of certain complaints filed with SEEC to the chief state's attorney and requires him to report on these referrals to the GAE and Judiciary committees

The act requires certain complaints filed with SEEC on or after July 1, 2024, to be referred to the chief state's attorney for further enforcement action. Specifically, this applies to complaints where the commission determines that probable cause of a violation exists, but did not issue a decision within 90 days after that determination.

Under the act, the chief state's attorney must submit a report to the Government Administration and Elections (GAE) and Judiciary committees on the status of any enforcement action taken for a referred complaint. These reports must be made within 12 months after the referral or before the law's deadline for prosecuting the violation, whichever occurs first.
EFFECTIVE DATE: July 1, 2024

§§ 25 & 26 — EARLY VOTING LOCATIONS AND MODERATORS

Modifies the deadlines for designating early voting locations; establishes a procedure for appointing a registrar as an early voting moderator

Deadlines for Designating Early Voting Locations

Existing law requires a municipality's registrars of voters to designate at least one early voting location in his or her town. The act modifies how many days before the election contest these locations must be designated, as shown in the table below. In doing so, it eliminates alternative deadlines for special elections and presidential primaries and sets one deadline for each procedural step for all elections and primaries.

Deadlines for Designating Early Voting Locations

Procedure	Prior Law for Elections and Primaries	Prior Law for Special Elections and Presidential Primaries	The Act
Written Certification of the Designated Location to the Secretary of the State	120 days	20 days	60 days
Secretary's Approval or Disapproval of the Location	90 days	15 days	45 days
Final Designation by Registrars	31 days	11 days	31 days

Registrars Serving as Moderators

Existing law allows registrars of voters to appoint moderators to oversee early voting locations. The act specifies that the municipality's registrars of voters may agree to appoint one of themselves to serve as the moderator instead. If they choose to do so, they must submit a certification of their agreement to the secretary of the state as well as a written coverage plan for the registrar's normal duties, to ensure the registrar abstains from any that conflict with his or her role as moderator while serving in the role.
EFFECTIVE DATE: Upon passage

§ 27 — VOTER REGISTRATION RECORD CHECKS

Requires, rather than allows, the secretary of the state to annually search for duplicate registrations and send a list of possible duplications to the appropriate towns; expands the search's scope to include voters registered more than once in the same town

Prior law authorized the secretary of the state to search computerized voter records for voters registered in more than

one town. The act instead requires her to do this search at least once a year and additionally requires her to search for voters registered multiple times in the same town.

The act also correspondingly requires, rather than allows, her to make a list of possible duplicate registrations and send it to the appropriate towns' registrars of voters.

EFFECTIVE DATE: January 1, 2025

§§ 28 & 29 — CROSS-REFERENCING JURY INFORMATION WITH THE VOTER REGISTRATION SYSTEM

Requires the secretary of the state to receive the jury administrator's list of all juror information and cross-reference it with the voter registration system

Existing law requires the jury administrator to compile a list of all qualified jurors in the state along with their corresponding information, such as their address and birthdate. The act requires the jury administrator, within 30 days after creating the list, to share it with the secretary of the state to verify information in the online voter registration system. Additionally, the act requires the secretary to cross-reference the jury administrator's list with the system.

EFFECTIVE DATE: July 1, 2025

§ 30 — BALLOT TRANSLATION

Requires the secretary of the state to evaluate the process for translating ballots and report her recommendations to the legislature by January 15, 2025

Under the act, the secretary must review the process for translating ballots from English into another language when required by federal or state law. By January 15, 2025, the secretary must submit a report to the GAE committee with recommendations on this process and preventing mistranslations.

EFFECTIVE DATE: July 1, 2024

§ 31 — NONDISCLOSURE OF ELECTION WORKERS' RESIDENTIAL ADDRESSES

Allows election workers to request nondisclosure of their residential address from municipal public agencies

The act prohibits municipal public agencies from disclosing under the Freedom of Information Act (FOIA) the residential address of certain election-related workers (i.e., municipal clerks; registrars or deputy registrars of voters; poll workers; or election, primary, or audit officials) if the worker requests it. Specifically, the worker must give a municipality a written nondisclosure request and a substitute business address (or, if he or she does not have one, the business address of the town or city hall, or the municipality's registrars of voters). The act specifies that the address of town halls, city halls, or municipal buildings where the registrars of voter's office is located is subject to disclosure.

The disclosure prohibition begins 90 days before the election contest or, if already within that period, the day the worker submits the request. The prohibition lasts for 90 days after the contest.

Under the act, these provisions (1) apply regardless of whether the requesting election worker is the public agency's employee and (2) do not prohibit disclosure of a residential address due to the applicant's status as an elected or appointed official (except if they are serving as a town clerk, registrar of voters, or deputy registrar of voters).

Additionally, as under existing law, the act's disclosure prohibition does not apply to certain (1) motor vehicle records, which are disclosable to government agencies and anyone else who agrees to use them for limited specified purposes, and (2) municipal and election-related documents (e.g., municipal grand lists, land records, preliminary and final voter registry lists, petition forms, and logs of absentee ballot applications). It also does not affect a worker's ability to qualify for nondisclosure of his or her residential address under existing law's address protections for certain public officials and employees (CGS § 1-217(c)).

As under the existing address protection law, public agencies, public officials, or employees of public agencies cannot be penalized for violating the disclosure prohibition unless the Freedom of Information Commission (FOIC) finds that the violation was willful and knowing. The FOIC may impose a civil penalty of between $20 and $1,000 against the agency, official, or employee for willful and knowing violations.

EFFECTIVE DATE: July 1, 2024

HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT COMMITTEE

PA 24-22—sSB 107
Higher Education and Employment Advancement Committee

AN ACT UPDATING REQUIREMENTS FOR CONSTRUCTION MANAGEMENT OVERSIGHT AT THE UNIVERSITY OF CONNECTICUT, PAUSING THE REQUIREMENT FOR A PLAN TO INCREASE THE NUMBER OF FULL-TIME FACULTY AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND REPLACING REFERENCES TO THE PRESIDENT OF THE CONNECTICUT STATE COLLEGES AND UNIVERSITIES WITH THE CHANCELLOR OF THE CONNECTICUT STATE COLLEGES AND UNIVERSITIES

SUMMARY: This act eliminates the Construction Management Oversight Committee (CMOC) and transfers its responsibilities to the UConn Board of Trustees (BOT), or one of the board's committees. The law previously charged CMOC with overseeing and implementing the UConn 2000 program. The latter, however, functionally disbanded in 2014 after completing its major work and the BOT assumed its responsibilities. CMOC's oversight responsibilities included, among other things, reviewing and approving UConn 2000 policies and procedures on selecting professionals and contractors. CMOC also was required to review each project after completion. (UConn 2000 is an infrastructure program that allows the university to use certain bond proceeds on specified projects.)

The act pauses, until 2028, a biennial requirement that the BOT and the Board of Trustees for the community-technical colleges and the Connecticut State University System (i.e., the Board of Regents (BOR)) develop plans on how to increase the number of full-time faculty and report on them to the Higher Education and Employment Advancement Committee.

Lastly, the act makes minor and technical changes, including (1) correcting references to BOR following the merger of the community-technical colleges into Connecticut State Community College and (2) changing the title of Connecticut State Colleges and Universities' chief executive officer from "President" to "Chancellor" and making associated conforming changes (e.g., changing "vice-president" to "vice-chancellor").
EFFECTIVE DATE: July 1, 2024

PA 24-47—SB 109
Higher Education and Employment Advancement Committee

AN ACT MODIFYING THE CONNECTICUT AUTOMATIC ADMISSIONS PROGRAM

SUMMARY: This act modifies the academic threshold for student admission through the Connecticut Automatic Admissions Program to "participating institutions" (i.e., the four state universities, CT State Community College, Charter Oak State College, and any other in-state higher education institution eligible to participate in the program). Specifically, it requires (1) the Board of Regents for Higher Education (BOR) to set a minimum unweighted grade point average (GPA) for program applicants to qualify for automatic admission to participating institutions and (2) these institutions to generally use this GPA as the threshold for admission through the program. However, the act allows participating institutions to set an additional academic threshold of performance on a nationally recognized college readiness assessment administered to grade 11 students (e.g., the SAT).

Under prior law, BOR had to set a minimum class rank percentile and participating institutions generally had to establish academic thresholds for admission based on this metric but could also include performance on a college readiness assessment.

The act also makes various conforming changes (e.g., requiring boards of education to calculate the unweighted GPA of students who have completed grade 11, rather than BOR's prior method for determining class rank percentile, to determine whether the GPA meets BOR's minimum).

By law, the Connecticut Automatic Admissions Program is a BOR-established program that requires participating higher education institutions to automatically admit an applicant as a full-time, first-year student to a Connecticut in-person bachelor's degree program if he or she meets certain eligibility requirements, which include meeting or exceeding the academic threshold.
EFFECTIVE DATE: July 1, 2024

PA 24-52—sSB 13
Higher Education and Employment Advancement Committee
Finance, Revenue and Bonding Committee

AN ACT INCENTIVIZING STUDENT LOAN REPAYMENT ASSISTANCE

SUMMARY: This act expands the student loan payment tax credit for qualified employers that make eligible student loan payments on a qualified employee's behalf (see below). It does so by allowing the employer to claim the credit for eligible payments it made to a student loan servicer on a qualified employee's behalf for any student education loan, rather than only loans issued by the Connecticut Higher Education Supplemental Loan Authority (CHESLA). It also establishes requirements an employer must follow when filing for a credit refund or exchange with the Department of Revenue Services (DRS).

The act caps the aggregate amount of tax credits the DRS commissioner may reserve for this program at $10 million per calendar or income year and requires the credits to be reserved in the order of applications the commissioner receives.

It also requires CHESLA to (1) establish a High Priority Occupation Loan Subsidy Program to subsidize interest rates on its loans to eligible individuals employed in high priority occupations and (2) consult with the Office of Workforce Strategy (OWS) to designate these occupations.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2024, except the tax credit expansion is effective January 1, 2025, and applicable to calendar or income years commencing on or after that date.

QUALIFIED EMPLOYER TAX CREDIT OR REFUND

Existing law allows qualified employers that make payments on qualified employees' eligible student loans (i.e., CHESLA loans) to claim a tax credit or refund equal to 50% of the payments made up to a maximum annual credit of $2,625 per employee, per calendar or income year. By law, "qualified employees" are Connecticut residents who (1) earned their first bachelor's degree within the last five years; (2) are employed full time (i.e., at least 35 hours per week) at a qualified employer; and (3) are not an owner, member, partner, or family member of an otherwise qualified employer.

The act expands this tax credit by allowing qualified employers to claim it for eligible student loan payments it made on behalf of an eligible employee to a student loan servicer (see below) for any student education loan, rather than only payments to CHESLA for CHESLA-issued loans.

By law, and under the act, a "student loan servicer" is any person, regardless of location, responsible for servicing any student education loan to any student loan borrower (CGS § 36a-846(12)).

TAX CREDIT APPLICATION REQUIREMENTS

To claim the student loan payment tax credit, the act requires an eligible qualified employer to file an application with the DRS commissioner in a form and manner he sets. The application must include the following:

1. a list of qualified employees on whose behalf the qualified employer will be making an eligible student loan payment,
2. the total amount the employer will pay towards each employee's student education loan in the calendar or income year,
3. the employee's student loan servicer, and
4. any other information the commissioner requires.

The act requires the commissioner, upon receiving an application, to determine and reserve the credit amount the employer will be entitled to claim and issue a voucher in that amount to the employer. The act prohibits a qualified employer from claiming or a qualified small business (i.e., a qualified employer with gross receipts of $5 million or less) from exchanging more than the amount in the voucher for any calendar or income year.

HIGH PRIORITY OCCUPATION LOAN SUBSIDY PROGRAM

The act requires CHESLA to establish a High Priority Occupation Loan Subsidy Program, subject to available funding. The program must subsidize interest rates on CHESLA loans to refinance eligible loans to individuals employed in high priority occupations who meet the act's eligibility criteria.

High Priority Occupation Designation

Under the act, CHESLA must consult with OWS to designate high priority occupations under the program that (1) promote state residents' health, welfare, or education; (2) have a high demand for their services, as CHESLA and OWS determine; and (3) are experiencing or are projected to experience a workforce shortage that may affect the level of services provided.

Eligibility Criteria and Administrative Guidelines

CHESLA must also consult with OWS to establish administrative guidelines for implementing and operating the program, as well as eligibility criteria which must include the following:

1. applicant requirements, including employment requirements;
2. interest rate subsidies and principal limits on authority loans subject to the program;
3. the process for verifying applicants' employment; and
4. a requirement to terminate a recipient's subsidy if they no longer meet the program's employment requirements during the loan's term.

Account Expenditure Guidelines

The act requires CHESLA to establish a separate, nonlapsing account to hold program funds. The account must hold any moneys the law requires to be deposited in it, including any state appropriation or any sale proceeds from bonds issued for that purpose.

CHESLA must use the funds in the account to do the following:

1. subsidize loan interest under the program,
2. cover the program's reasonable and necessary administrative expenses,
3. issue authority loans to refinance one or more eligible loans, and
4. maintain a reserve to cover any losses from issuing authority loans.

PA 24-63—SB 303
Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE HIGHER EDUCATION STATUTES

SUMMARY: This act makes minor and technical changes to the statutes concerning higher education, including standardizing statutory references to the Office of Higher Education's "licensure" and "accreditation" of a for-profit higher education institution by replacing these terms with "authorization."
EFFECTIVE DATE: July 1, 2024

PA 24-64—sSB 304
Higher Education and Employment Advancement Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE CONNECTICUT HIGHER EDUCATION SUPPLEMENTAL LOAN AUTHORITY

SUMMARY: This act allows Connecticut residents who are under age 18 to sign for a Connecticut Higher Education Supplemental Loan Authority (CHESLA) loan if they obtain the loan with an adult cosigner (i.e., age 18 or older). They must be otherwise eligible for the loan, and the act deems them to have full capacity to act on the loan with all the powers, privileges, and obligations of someone who is age 18, including as it relates to applying for, receiving, and repaying the loan. In practice, some people applying for college are under age 18 when an education loan must be signed.

By law, CHESLA may create special capital reserve funds (SCRF) to pay the interest and principal on bonds it issues. These SCRFs must be backed by money or certain other financial instruments. The act allows CHESLA to also use a surety policy or other similar instrument, valued at par (i.e., face value) and payable on or before any date by which debt service is due, to fund SCRFs. The surety policy or other instrument must be issued by a financial institution with at least a "AA"

rating by a nationally recognized statistical rating organization and approved by the treasurer. The act also makes minor, technical, and conforming changes, including specifying that notes are treated similarly to bonds.
EFFECTIVE DATE: Upon passage

PA 24-87—HB 5128
Higher Education and Employment Advancement Committee

AN ACT REQUIRING DISCLOSURE OF SCHOLARSHIP DISPLACEMENT POLICIES AT INSTITUTIONS OF HIGHER EDUCATION

SUMMARY: This act requires each higher education institution in the state to disclose its policy on reducing the amount of financial aid it offers to a current or prospective student who receives a scholarship ("scholarship displacement") in:

1. the initial financial aid package offered to each current or prospective student, and
2. a report submitted to the Higher Education and Employment Advancement Committee by January 1, 2025.

EFFECTIVE DATE: July 1, 2024

PA 24-116—sHB 5237
Higher Education and Employment Advancement Committee

AN ACT REQUIRING STUDENT SURVEYS DURING EVALUATION OF A PRIVATE CAREER SCHOOL TO RENEW A CERTIFICATE OF AUTHORIZATION

SUMMARY: This act requires the Office of Higher Education (OHE), by January 1, 2025, to develop a student survey to be conducted during an evaluation for renewing a private career school's certificate of authorization. The survey must at least include questions about the quality of each course or instructional program in which the student is or was enrolled.

By law, private career schools must have a certificate of authorization from OHE in order to operate. These certificates must be applied for before initially opening a school and then periodically renewed according to a statutory schedule. During the application or renewal process, OHE appoints a team to evaluate the school.

Under the act, each evaluation team must administer the survey to students beginning with evaluations on or after January 1, 2025.
EFFECTIVE DATE: July 1, 2024

PA 24-117—sHB 5239
Higher Education and Employment Advancement Committee
Appropriations Committee

AN ACT ESTABLISHING THE PATH PROGRAM AND AMENDING THE CONNECTICUT COLLEGIATE AWARENESS AND PREPARATION PROGRAM

SUMMARY: This act requires the Office of Higher Education (OHE), as part of its Minority Advancement Program, to establish the Preparation for Academic Transition to Higher Education (PATH) program. Beginning with FY 25, the office must annually, within available appropriations, allocate up to $100,000 for grants to nonprofit community-based organizations in Connecticut that assist 11th and 12th grade students who live in the state with:

1. completing applications to postsecondary education programs;
2. completing the Free Application for Federal Student Aid or an application for institutional financial aid for students lacking legal immigration status, including through informational events and presentations about financial aid applications; and
3. securing education scholarships and grants to finance postsecondary education program attendance.

It also revises the requirements for the Connecticut collegiate awareness and preparation program (ConnCAP), which is part of OHE's Minority Advancement Program. By law, ConnCAP must (1) develop linkages with public school systems targeted by OHE to provide motivation and skills development for middle and high school students and (2) provide competitive funding to higher education institutions in the state. The act (1) requires the program to target middle and high

school students who are disadvantaged, including students from low-income families and those who are prospective first-generation college students, for motivation and skills development, rather than "underachievers" as under prior law, and (2) defines ConnCAP as a program that provides outreach and services to middle and high school students to prepare them to successfully complete postsecondary education at a higher education institution.

It also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2024

PATH GRANTS

The act requires OHE to award PATH program grants on a competitive basis to nonprofit community-based organizations that (1) provided the types of assistance specified above during the prior academic year and (2) will provide, together with Connecticut public high school administrators, the types of assistance specified above during the academic year for which the grants will be awarded.

The act requires OHE to establish grant application submission procedures for the program and review applications based on an evaluation format the office develops. The act requires OHE to include a preference for nonprofit community-based organizations that provide assistance in school districts designated as alliance districts for the academic year in which the grant is awarded (see BACKGROUND).

The act allows OHE to award grants in amounts from $15,000 to $20,000 for the duration of the academic year in which the grant is awarded. The act also allows OHE to require a grant recipient to repay the grant to the state if it finds that the grant is not being used for the program's purposes.

BACKGROUND

Alliance Districts

As required by law, the education commissioner designated 36 alliance districts for five years, beginning with FY 23 (CGS § 10-262u). The current designation applies to (1) the 33 school districts with the lowest accountability index scores and (2) three previously designated districts that were no longer among the 33 with the lowest scores. The index is based on several student-centered measures, including statewide assessment results and high school graduation rates, among others.

PA 24-125—sHB 5363
Higher Education and Employment Advancement Committee

AN ACT CONCERNING THE PLANNING COMMISSION FOR HIGHER EDUCATION

SUMMARY: This act makes a number of changes regarding the Planning Commission for Higher Education, which is charged with revising and updating the 2015 strategic master plan for higher education in Connecticut. Among other things, it:

1. extends, by one year, the commission's deadlines for submitting the updated master plan, and the date for certain goals and benchmarks in the plan;
2. removes the commission from within the Office of Higher Education and requires the Higher Education and Employment Advancement Committee's administrative staff to serve as administrative staff for the commission;
3. eliminates the commission's responsibility for implementing any policies it develops; and
4. makes changes related to the commission's membership and operations.

The act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

COMMISSION MEMBERSHIP AND OPERATION

The act makes the chairpersons and ranking members of the Higher Education and Employment Advancement Committee voting members of the commission, rather than ex-officio nonvoting members. In doing so, it increases the number of the commission's voting members from 19 to 23, and correspondingly decreases the number of nonvoting members from 14 to 10.

It requires all initial commission appointments to be made by June 1, 2024. The act permits members to continue to

serve beyond their three-year terms until their successor is appointed. It also specifies that a majority of the membership constitutes a quorum for transacting business.

Prior law required the governor to appoint the commission's chairperson from among its voting members. The act adds two additional chairpersons by requiring the Senate president pro tempore and House speaker to each appoint a chairperson from these members. The act also eliminates the requirement that the commission elect a vice chairperson. The act requires the chairpersons to jointly schedule the commission's first meeting by July 1, 2024.

It also eliminates a requirement that, when establishing subcommittees and working groups needed to supplement its work, the commission collaborate with the Office of Policy and Management. The act requires the three chairpersons, rather than the chairperson and vice-chairperson, to appoint the members of these subcommittees and working groups.

SUBMISSION OF UPDATED MASTER PLAN, GOALS, BENCHMARKS, AND REPORTING DEADLINES

By law, the commission develops and ensures implementation of a strategic master plan for higher education that must address degree attainment, the number of people entering the workforce, and the achievement gap. Updated plans must (1) assess progress toward numerical goals established under the 2015 plan and (2) revise or establish these goals and benchmarks for future target dates.

The act requires the commission to submit its:

1. preliminary report on the development of the updated strategic master plan by September 1, 2025, rather than September 1, 2024, and
2. updated plan by December 1, 2025, rather than December 1, 2024.

The act delays by one year, from 2025 to 2026, the initial target date for goals and benchmarks the commission must set as part of its updated master plan. By law, these goals address topics such as (1) increasing the number of people earning degrees, completing community college courses, and entering the workforce and (2) the achievement gap. By law, the plan must also include goals and benchmarks for 2030.

The act also delays, from January 1, 2026, to January 1, 2027, the deadline for the commission to submit its first annual report to the governor and legislature on the plan's implementation and progress toward achieving its specified goals.

PA 24-86—sHB 5153
Housing Committee

AN ACT CONCERNING ELIGIBILITY FOR WORKFORCE HOUSING DEVELOPMENT PROJECTS

SUMMARY: PA 23-207, § 30, expressly makes investments in "workforce housing development projects" eligible for tax credits under the Connecticut Housing Finance Authority's (CHFA) Housing Tax Credit Contribution (HTCC) program. This act modifies the set-aside requirements for these projects. Specifically, the act:

1. increases, from 40% to 50%, the share of units that must be rented to a designated workforce population (e.g., teachers and police officers) and
2. correspondingly decreases, from 50% to 40%, the share of units that must be rented at market rate.

As under existing law, the remaining 10% of units must be affordable housing.

Under the HTCC program, CHFA administers tax credit vouchers for businesses that make cash contributions of at least $250 to nonprofits that develop, sponsor, or manage housing programs benefitting low- and moderate-income households (e.g., affordable housing developments). The credits apply against various business taxes.

The act generally aligns the HTCC program's workforce population and market rate set-aside requirements for workforce housing development projects with those for a similar type of development project under a Department of Housing (DOH) tax credit program (see BACKGROUND).

The act also makes technical changes.

EFFECTIVE DATE: June 1, 2024

BACKGROUND

Workforce Housing Developments

Among other things, PA 23-207 established a new DOH-administered tax credit for individuals or entities making cash contributions to eligible developers building or rehabilitating "workforce housing opportunity development projects" in federally designated opportunity zones. By law, completed workforce housing opportunity development projects must generally be rented as follows: (1) 40% of the units at market rate, (2) 50% of the units to members of a designated workforce population meeting certain income requirements, and (3) 10% of the units to very low-income households.

PA 24-88—HB 5155
Housing Committee

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL REVISIONS TO THE HOUSING STATUTES

SUMMARY: This act makes technical changes to several housing-related statutes.

EFFECTIVE DATE: Upon passage

PA 24-89—sHB 5157
Housing Committee

AN ACT REPEALING PROVISIONS CONCERNING THE STATE-ASSISTED HOUSING SUSTAINABILITY FUND

SUMMARY: This act repeals an obsolete and unfunded Department of Housing (DOH) fund (the state-assisted housing sustainability fund). DOH used this fund to give financial assistance to owners for preserving certain eligible housing.

Prior law required DOH to pay the cost of certain physical needs assessments for eligible housing from the fund. The act instead requires DOH to pay these costs within available appropriations.

The act also makes a conforming change to preserve a definition applicable to another DOH program.

EFFECTIVE DATE: October 1, 2024

PA 24-6—sSB 395
Human Services Committee

AN ACT CONCERNING THE REPORTING OF MEDICAL DEBT

SUMMARY: This act (1) prohibits Connecticut health care providers and hospitals or entities owned by or affiliated with hospitals from reporting medical debt to credit rating agencies for use in a credit report and (2) voids any medical debt that is reported to credit rating agencies.

The act relatedly requires the health care providers to have in their contracts with collection entities for the purchase or collection of medical debt a provision that prohibits reporting the debt to credit rating agencies.

Under the act, medical debt is an obligation or alleged obligation to pay for received health care goods (e.g., products, devices, durable medical equipment, and prescription drugs) or services (i.e., services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease). It excludes debts charged to a credit card unless the card is issued under a plan offered specifically to pay for these goods and services.
EFFECTIVE DATE: July 1, 2024

PA 24-17—sHB 5457
Human Services Committee

AN ACT CONCERNING NURSING HOME WAITING LISTS

SUMMARY: This act makes various changes to waiting list requirements for Medicaid-certified nursing homes. Existing law generally requires nursing homes to (1) admit residents on a first-come, first-served basis, regardless of their payment source; (2) keep waiting lists of and admit applicants in the order they are received, with certain exceptions (e.g., when an applicant directly transfers from a home that is closing); and (3) send applicants who ask to be placed on the waiting list receipts with the time and date of the request. The act specifies that nursing homes must take these actions after accepting a "substantially completed" admissions application.

Additionally, the act does the following:

1. allows nursing homes to keep electronic waiting lists and requires them to do so by July 1, 2025 (existing regulation requires nursing homes to keep waiting lists in a single, bound book);
2. requires nursing homes to note on the waiting list whenever they pass over an applicant and include the date and reason why;
3. requires nursing homes to develop and implement waiting list policies and procedures that include, among other things, the information required to deem an admissions application "substantially completed";
4. allows nursing homes to give admissions applications to prospective residents electronically or by posting them on the nursing home websites, instead of only by mail as required under existing regulation;
5. allows nursing homes, when communicating with applicants about continuing their waiting list placement, to do so by email, instead of only by letter, as under prior law;
6. specifies that nursing homes are not required to keep a list of inquiries from prospective residents who have not submitted a substantially completed application or give them a receipt for their inquiry, which existing regulation requires;
7. requires nursing homes to maintain their daily roster of residents by payment source (i.e., Medicare, Medicaid, or private pay) electronically, instead of in a single bound volume, as required under existing regulation; and
8. requires nursing homes to give the Department of Social Services and the Long-Term Care Ombudsman access to all records they request for an investigation by, or on behalf of, an applicant related to an admissions denial.

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

WAITING LIST POLICIES AND PROCEDURES

Under the act, nursing homes must develop and implement waiting list policies and procedures that do the following:

1. define information required for a home to consider an application "substantially completed" and accepted;
2. identify steps the home will take to protect the privacy of prospective residents' information; and
3. describe how the home will keep the integrity of the electronic waiting list's information, including steps taken to ensure the times, dates, and notifications of waiting list placements are accurately recorded.

COMMUNICATIONS ON CONTINUED WAITING LIST PLACEMENTS

The act allows nursing homes, when communicating with applicants about continuing their waiting list placement, to do so by email, instead of only by letter.

As under existing law, unchanged by the act, nursing homes may contact applicants, or their designees, (1) at least 90 days after placing them on the waiting list, to ask if they wish to remain on it and (2) annually, to give them a waiting list placement continuation notice if they have been on the list for more than 90 days. Nursing homes may remove applicants from the waiting list if they do not respond to these communications within 30 days.

PA 24-35—HB 5365
Human Services Committee

AN ACT CONCERNING TECHNICAL REVISIONS TO STATUTES CONCERNING HUMAN SERVICES

SUMMARY: This act makes technical changes to human services statutes.
EFFECTIVE DATE: Upon passage

PA 24-50—sSB 307
Human Services Committee

AN ACT CONCERNING MEDICAID COVERAGE OF BIOMARKER TESTING

SUMMARY: This act requires the Department of Social Services (DSS), to the extent federal law allows, to provide coverage for biomarker testing to diagnose, treat, manage, or monitor a Medicaid enrollee's disease or condition. The act requires the DSS commissioner to ensure this coverage is medically necessary under existing state law applicable to Medicaid services (see BACKGROUND).

The act requires the commissioner to analyze relevant information and use applicable clinical guidelines to inform her medical necessity determination for the testing, including medical and scientific evidence that demonstrates that a test provides clinical utility (e.g., FDA approval).

Under existing law, clinical policies, medical policies, clinical criteria, and any other generally accepted clinical practice guidelines that DSS uses to evaluate a service's medical necessity are only used as guidelines and are not the basis for DSS's final determination. The act specifies that its provisions do not change these medical necessity provisions in existing law. The act further specifies that its provisions do not limit DSS's ability to require prior authorization to ensure that requested testing meets the standards described above.

The act requires the DSS commissioner to ensure that Medicaid coverage of biomarker testing is provided in a way that limits disruptions in care. The act allows anyone adversely affected by DSS's decisions on this testing to request a fair hearing from the department under a process established in existing law (CGS § 17b-60).
EFFECTIVE DATE: July 1, 2024

BIOMARKER TESTING

The act's coverage requirements apply to biomarker testing, which is the analysis of a patient's tissue, blood, or other biospecimen for biomarkers, which are characteristics, like a gene mutation or protein expression, that can be objectively measured and evaluated as an indicator of normal biological processes, pathogenic processes, or pharmacologic responses to a specific therapeutic intervention for a disease or condition. The testing includes tests for single or multiple substances, diseases, or conditions, and whole genome sequencing.

MEDICAL AND SCIENTIFIC EVIDENCE TO SUPPORT TEST COVERAGE

Under the act, DSS must use applicable clinical guidelines to inform its medical necessity determination for biomarker testing, including medical and scientific evidence that demonstrates that a test provides clinical utility. Under the act, a test result has "clinical utility" if it provides information used to make a treatment or monitoring strategy that informs a patient's outcome and impacts the clinical decision, and it may include both information that is actionable and information that cannot be immediately used to make a clinical decision.

Under the act, this medical and scientific evidence may include one or more of the following:

1. FDA approval of the test or recommendations on labels of FDA-approved drugs to conduct the test;
2. the federal Centers for Medicare and Medicaid Services' national or local coverage determinations for Medicare Administrative Contractors;
3. nationally recognized clinical practice guidelines, which are (a) evidence-based guidelines that set standards of care informed by a systemic evidence review and cost-benefit analysis of alternative care options and (b) developed by independent organizations or medical professional societies; or
4. consensus statements, which are statements developed by an independent, multidisciplinary expert panel, aimed at specific clinical circumstances and based on the best available evidence to optimize clinical care outcomes.

Both the clinical practice guidelines and the consensus statements described above must be developed using transparent methodologies and reporting structures and conflict of interest policies.

BACKGROUND

Related Act

PA 24-130 requires DSS to provide medically necessary Medicaid coverage for rapid whole genome testing for certain critically ill infants, within available appropriations.

Medical Necessity

By law, for DSS's medical assistance programs (e.g., Medicaid), "medically necessary" means health services required to prevent, identify, diagnose, treat, rehabilitate, or ameliorate a person's medical condition, or its effects, to attain or maintain achievable health and independent functioning. Medically necessary services must be:

1. consistent with generally accepted medical practice standards;
2. clinically appropriate in terms of type, frequency, timing, site, extent, and duration and considered effective for the person's illness, injury, or disease;
3. not primarily for the person's or the health care provider's convenience;
4. not more costly than an alternative service that is at least as likely to produce equivalent therapeutic or diagnostic results for the person's illness, injury, or disease; and
5. based on an assessment of the person and their medical condition (CGS § 17b-259b).

PA 24-58—sSB 308
Human Services Committee

AN ACT CONCERNING WHEELCHAIR REPAIR REQUIREMENTS

SUMMARY: This act:

1. sets requirements related to wheelchair repair for authorized wheelchair dealers,
2. restricts prior authorization and new prescription requirements for customized wheelchair repair under Medicaid and complex rehabilitation technology (CRT) wheelchair repair under private insurance plans, and
3. establishes a 13-member CRT and Wheelchair Repair Advisory Council to monitor wheelchair repair and make recommendations on improving repair times.

Under the act, "wheelchairs" are manual or motorized wheeled devices that enhance the mobility or positioning of an individual with a disability. Wheelchairs include "CRT wheelchairs," which are specialized, medically necessary manual or powered wheelchairs that are individually configured for the user with specialized equipment requiring evaluation, configuration, fitting, adjustment, programming, and long-term maintenance and repair services. An "authorized wheelchair dealer" is any company doing business in the state selling or leasing wheelchairs.
EFFECTIVE DATE: July 1, 2024

§§ 1 & 2 — TIMELY REPAIR REQUIREMENTS

The act requires authorized wheelchair dealers to timely repair wheelchairs the dealer sells or leases in the state, which means as soon as practicable but not later than 10 business days after the consumer requests a repair. This requirement applies so long as the consumer makes the wheelchair available and any prior authorization required by an insurer has been

acquired. Any time spent waiting for prior authorization, or for delivery of needed parts ordered for the repair, does not count towards the 10-day limit.

Dealers who sell or lease CRT wheelchairs must perform a timely repair at a consumer's home upon request. A consumer is a person who buys or leases a wheelchair, whether funded by the consumer or privately or publicly funded health insurance.

Repair Requests

The act also requires authorized wheelchair dealers to maintain an email address and phoneline for consumer repair requests that are available each business day to receive and record messages. The act requires dealers to (1) respond to a repair request no later than one business day after the request and (2) order parts no later than three business days after assessing the need for a repair or receiving prior authorization from an insurer for the repair.

Repair Complaints

The act requires the Office of the Healthcare Advocate (OHA) to maintain a phone number and email address, beginning July 1, 2024, to receive and record complaints on timely repair issues. OHA must post the phone number and email address on the OHA and Department of Consumer Protection (DCP) websites and maintain them in consultation with DCP. OHA must also annually report the number of complaints received and recorded to the Human Services, Insurance and Real Estate, and General Law committees, starting by January 1, 2025.

Reporting Requirement

The act requires authorized wheelchair dealers that contract with the Department of Social Services (DSS) to sell or lease wheelchairs to Medicaid recipients to report on repairs to DSS and the CRT and Wheelchair Repair Advisory Council established under the act (see below). Dealers must submit this report annually starting by December 31, 2024. The report must at least include minimum, maximum, and average times from the date and time of a repair request for the dealer to take the following actions:

1. respond;
2. conduct a repair assessment in the home or other community location, remotely, or at a repair facility;
3. request any needed prior authorization from DSS and receive DSS's decision on the request;
4. order any needed parts; and
5. complete repairs in the home or other community location, remotely, or at a repair facility.

§§ 3, 5 & 6 — PRIOR AUTHORIZATION AND PRESCRIPTIONS

Medicaid Requirements

Existing law requires Medicaid to cover customized wheelchairs only when a standard wheelchair does not meet a person's needs as determined by DSS. The act additionally limits this coverage to medically necessary customized wheelchairs (see BACKGROUND), generally conforming to existing practice. Prior law did not define customized wheelchairs, but, under the act, these include CRT wheelchairs and any wheelchair built, designed, or outfitted for a Medicaid recipient with a physical disability who is unable to achieve maximum mobility with a standard wheelchair. Existing law, unchanged by the act, authorizes DSS to subject wheelchair repairs and part replacements to the department's review, and requires refurbished wheelchairs, parts, and components to be used whenever practicable.

Regardless of these provisions, starting July 1, 2024, the act prohibits DSS from requiring a new prescription or prior authorization for medically necessary repair of a customized wheelchair unless the original prescription for the wheelchair is more than five years old. The act requires the DSS commissioner to seek any needed federal approval to implement these provisions, including amending the Medicaid state plan or applying for a Medicaid waiver.

The act also makes minor and conforming changes (e.g., requiring the DSS commissioner to post notice of her intent to adopt related regulations on the eRegulations System rather than in the Connecticut Law Journal).

Private Insurance Requirements

The act similarly prohibits private health insurance policies from requiring a new prescription or prior authorization for a medically necessary repair or replacement of a CRT wheelchair unless the original prescription is more than five years

old. This applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on or after January 1, 2025, 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. In this case, "medically necessary" means a policy holder's health care provider's written determination that the repair or replacement is needed to preserve the policy holder's health.

The act requires the Insurance Commissioner to adopt regulations to implement these provisions.

§ 4 — CRT AND WHEELCHAIR REPAIR ADVISORY COUNCIL

The act establishes the CRT and Wheelchair Repair Advisory Council to monitor repairs of wheelchairs and make recommendations on improving repair times. In addition to the eight appointed members described in the table below, the council includes the Department of Aging and Disability Services (ADS), DCP, DSS, and Insurance Department commissioners, or their designees, and the Healthcare Advocate, or his designee.

Advisory Council Appointed Members

Appointing Authority (Number of Appointees)	*Member*
Human Services Committee chairpersons (2)	• One consumer who uses a CRT wheelchair purchased, leased, or repaired under the Medicaid program • One Disability Rights Connecticut representative
Human Services Committee ranking members (2)	• One consumer who uses a CRT wheelchair purchased, leased, or repaired under a private insurance policy • One authorized wheelchair dealer
General Law Committee chairpersons (2)	• Two physical disability organization representatives
General Law Committee ranking members (2)	• Two consumers who privately pay for CRT wheelchairs

Appointing authorities must make their initial appointments by August 1, 2024, and fill any vacancy. Appointed members may be legislators. The Human Services Committee's administrative staff must serve in that capacity for the advisory council.

The ADS commissioner (or her designee) and a council member chosen by a majority of the members must serve as the council's chairpersons and schedule the first meeting by September 1, 2024. The council must meet at least monthly.

Under the act, the advisory council must report its findings and recommendations annually, starting by January 1, 2025, to the Aging, General Law, Human Services, and Insurance and Real Estate committees.

BACKGROUND

Complex Rehabilitation Technology (CRT)

CRT includes products classified as durable medical equipment in the Medicare program as of January 1, 2013, that are individually configured and medically necessary for people to meet their specific and unique medical, physical, and functional needs and capacities for basic and instrumental activities of daily living. CRT includes complex rehabilitation manual and power wheelchairs and accessories, adaptive seating and positioning items and accessories, and other specialized equipment and accessories (e.g., standing frames and gait trainers) (CGS § 17b-278j).

Medically Necessary Medicaid Services

By law, for DSS's medical assistance programs (e.g., Medicaid), "medically necessary" health services are those required to prevent, identify, diagnose, treat, rehabilitate, or ameliorate a person's medical condition, or its effects, to attain or maintain achievable health and independent functioning. Medically necessary services must be:

1. consistent with generally accepted medical practice standards;
2. clinically appropriate in terms of type, frequency, timing, site, extent, and duration, and considered effective for the person's illness, injury, or disease;
3. not primarily for the person's or health care provider's convenience;
4. not more costly than an alternative service that is at least as likely to produce equivalent therapeutic or diagnostic results for the illness, injury, or disease; and
5. based on an assessment of the person and his or her medical condition (CGS § 17b-259b).

PA 24-99—sSB 396
Human Services Committee
Appropriations Committee

AN ACT IMPLEMENTING TASK FORCE RECOMMENDATIONS FOR THE ELDERLY NUTRITION PROGRAM

SUMMARY: This act makes various changes to the elderly nutrition program's (see BACKGROUND) funding and administration, including coordination with the supplemental nutrition assistance program (SNAP). Specifically, the act requires:

1. the Department of Aging and Disability Services (ADS) to give, within available appropriations, additional payments under the program to any area agency on aging (AAA; see BACKGROUND) contracting with ADS that has used at least half of its initial round of funding under a contract (§ 1);
2. ADS to require each AAA to develop a continuity of effort plan to minimize program benefits disruptions for its service area (§ 1);
3. ADS to develop a plan to streamline the program's contracting process, related compliance reporting, and eligibility and assessment forms (§ 2);
4. the Department of Social Services (DSS) to disclose to ADS, or an AAA contracted to provide program services, information on SNAP enrollees who request or are recommended to receive elderly nutrition program services (§ 3);
5. DSS to give ADS or an AAA, upon request, information on whether a person eligible for the elderly nutrition program is receiving SNAP benefits (§ 4); and
6. DSS, in consultation with ADS, to develop a plan to maximize SNAP benefits to support the elderly nutrition program (§ 4).

EFFECTIVE DATE: July 1, 2024, except that the provision on streamlining is effective upon passage.

§ 1 — ADDITIONAL PAYMENTS

The act requires ADS to give additional elderly nutrition program payments to any AAA contracting with ADS that provides documentation of having spent at least half of its initial funding under the contract. Under the act, ADS must, within available appropriations, disburse the payments within 30 days after receiving the documentation. When the AAA receives the additional payments, it must transfer them to its elderly nutrition program vendors within 30 days.

The act also requires the ADS commissioner to annually file a report, beginning by July 1, 2025, with the Aging and Human Services committees on the feasibility of the department providing additional funds under an elderly nutrition program contract when an AAA has used at least 25% of its initial funding.

§ 1 — CONTINUITY OF EFFORT PLAN

Under the act, the ADS commissioner must require each AAA to develop a continuity of effort plan for its service area in consultation with the area's chief elected municipal officials and municipal agents for the elderly (i.e., those appointed by municipalities to spread information about services and benefit programs, among other things). These plans are due to the ADS commissioner by January 1, 2025.

The act requires the plan to minimize disruption to elderly nutrition program benefits when a provider leaves the program or if program service levels or demand significantly increase. It must also include an AAA applying for funding to support elderly nutrition program services through available grant sources.

The act also requires an AAA to notify, in writing, the chief elected officials, municipal agents for the elderly, and state and federal elected officials of its service area within 10 business days if program service levels or demand increase significantly. It authorizes the ADS commissioner to withhold funding from or take other remedial measures against an AAA that violates these requirements.

§ 2 — STREAMLINING

The act requires the ADS commissioner, in consultation with AAAs, to develop a plan to streamline the elderly nutrition program's contracting process, compliance reporting, and eligibility and assessment forms. The plan must include:

1. a template or portal that program providers can use to reduce redundancies in required reporting or applications,
2. automatic approval for program services based on a client eligibility assessment, and
3. changes to client eligibility forms to include no more than the minimum information required under specified federal law.

The commissioner must file a report on the plan with the Aging and Human Services committees by October 1, 2024.

§ 4 — MAXIMIZING SNAP BENEFITS

The act requires the DSS commissioner, in consultation with the ADS commissioner, to develop a plan to maximize SNAP benefits to support the elderly nutrition program. The plan must include (1) outreach to people eligible for both programs and (2) federally allowed uses of SNAP benefits to fund meals for people ages 60 or older and people with disabilities, and their households.

Additionally, the DSS commissioner must consult with the ADS commissioner and file a report on the plan with the Aging and Human Services committees by October 1, 2024.

BACKGROUND

Area Agencies on Aging

The state's five AAAs are a central, comprehensive source of information about programs and services for older adults. AAAs are private, nonprofit planning and service agencies for older adults that receive state and federal funds, distributed by ADS, to carry out the federal Older Americans Act (i.e., Title III) requirements. Generally, they plan, coordinate, evaluate, and act as brokers for older adult services. Among other things, they award funds to local agencies, which in turn provide meals and related social services at local sites.

By law, the AAAs must (1) represent older adults in their geographic areas, (2) develop and administer an area elderly services plan, (3) coordinate local public and nonprofit private agencies and help them to develop programs, (4) receive and distribute federal and state funds for these purposes, and (5) perform additional federally required functions.

Elderly Nutrition Program

Under federal law, ADS oversees 11 elderly nutrition providers that offer nutritionally sound meals to people ages 60 or older and their spouses. Programs must provide one meal per day, five days per week. These meals are either offered at congregate sites, known as "senior community cafes," or delivered to the homes of people too frail to travel to the congregate locations or cook for themselves. People with disabilities living in housing facilities that are congregate meal sites may also receive meals. Meals are free, although contributions are encouraged. Both federal and state funds are used to pay the program costs.

PA 24-130—sHB 5367
Human Services Committee
Appropriations Committee

AN ACT CONCERNING MEDICAID COVERAGE OF RAPID WHOLE GENOME SEQUENCING FOR CRITICALLY ILL INFANTS AND STUDIES CONCERNING THE ELIMINATION OR REDUCTION OF THE KATIE BECKETT WAIVER PROGRAM WAITING LIST AND MEDICAID COVERAGE OF DIAPERS

SUMMARY: This act requires the Department of Social Services (DSS) commissioner to provide medically necessary Medicaid coverage for rapid whole genome sequencing for certain critically ill infants, within available appropriations. These are tests for diagnosing genetic disorders in time to inform or change acute medical or surgical management of critically ill infants. The coverage requirement applies to infants ages 0 to 12 months who are enrolled in Medicaid and being treated in neonatal or pediatric intensive care units.

The act also requires the Human Services Committee chairpersons to establish a working group to study and make recommendations on reducing or eliminating the waitlist for the Katie Beckett waiver and establishing priority placements on the list based on illness and life expectancy. The Katie Beckett waiver provides Medicaid coverage for children and young adults with disabilities.

Lastly, the act requires the DSS commissioner to study the feasibility of providing Medicaid coverage for diapers to children ages birth to three for whom diapers are medically necessary. She must report her findings to the Human Services Committee by January 1, 2025.

EFFECTIVE DATE: July 1, 2024, except the diaper study requirement is effective upon passage.

§ 1 — RAPID WHOLE GENOME SEQUENCING

Test Data Requirements

Under the act, the DSS commissioner must require that providers receiving payments for rapid whole genome sequencing certify in writing that any genetic data resulting from a test is:

1. used only to help diagnose and treat the infant,
2. protected under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), and
3. not used in scientific research unless the infant's parent or legal guardian expressly consents.

Regulations, Waivers, and State Plan Amendments

The act requires the DSS commissioner to take actions needed to implement these provisions, including (1) adopting regulations on provider payments and (2) submitting any Medicaid waiver applications and amendments or state plan amendments to the Centers for Medicare and Medicaid Services to ensure federal matching funds for this coverage.

Medical Necessity Criteria

The act requires the DSS commissioner, when developing regulations for provider payments, to set evidence-based medical necessity criteria. These criteria must include at least the following:

1. the infant has symptoms suggesting a broad differential diagnosis that would require an evaluation by multiple genetic tests if rapid whole genome sequencing is not used,
2. the infant's treating health care provider gave a written determination that rapid whole genome sequencing is needed to guide clinical decision making, and
3. the infant has complex or acute illness of unknown cause.

These complex or acute illnesses may include (1) congenital anomalies involving at least two organ systems or complex or multiple congenital anomalies in one organ system, (2) specific organ malformations highly suggesting a genetic cause, or (3) abnormal lab tests or abnormal chemistry profiles that suggest a genetic disease.

Existing law, unchanged by the act, sets separate standards for medically necessary services in DSS's medical assistance programs, including Medicaid.

§ 2 — KATIE BECKETT WAITLIST WORKING GROUP

The act requires the working group to do the following;

1. develop a strategy to eliminate the waiting list for services and an alternate strategy to reduce the waiting list, with estimated costs;
2. develop a model for how DSS could track children and young adults on the waitlist by type of disease or disability and life expectancy;
3. estimate costs and amount of time needed to implement the tracking model;
4. recommend statutory definitions for terminal illness, limited life expectancy, and other terms deemed appropriate for the working group's use when setting any priority tier on the waitlist;
5. determine average life expectancy associated with certain rare diseases and extremely rare diseases;
6. analyze other states' models for offering similar services to those offered under the Katie Beckett waiver, determining whether and how they establish priority placements for services, and estimate costs to adopt these models or priority placement processes in Connecticut;
7. determine the extent to which the waiver program is serving all eligible people in the state and, if needed, develop a public awareness strategy to increase participation to the program's estimated future capacity; and
8. develop protocols to ensure private health information is protected for waiver participants and people on the waitlist in accordance with state and federal law.

Membership and Report

Under the act, the working group includes the Human Services Committee chairpersons and ranking members, the DSS commissioner, and the Office of Policy and Management secretary, or their designees, and the following members, appointed by the Human Services Committee chairpersons:

1. two parents or legal guardians of children on the waitlist with terminal illnesses, one with a child with a rare disease (affecting fewer than 200,000 people in the United States) and one with a child with an extremely rare disease (affecting fewer than 5,000 people in the United States, as recorded by the National Institutes of Health's Genetic and Rare Diseases Information Center);
2. one young adult on the waitlist with a rare disease, terminal illness, or both, or the young adult's parent or legal guardian;
3. one Connecticut Children's Medical Center representative with expertise in pediatric rare genetic diseases or medical treatments for terminal illness;
4. one UConn Health Center Department of Pediatrics representative with expertise in pediatric rare genetic diseases or terminal illness research;
5. one representative from Yale School of Medicine's Department of Pediatrics; and
6. one Connecticut Rare Disease Advisory Council representative.

The Human Services Committee chairpersons, or their designees, serve as the working group's chairpersons and must convene its first meeting by August 1, 2024. The Human Services Committee's administrative staff serve in this capacity for the working group.

The working group must report its findings and recommendations to the Appropriations and Human Services committees by February 15, 2025. It terminates on that date or whenever it submits its report, whichever is sooner.

§ 3 — STUDY ON MEDICAID COVERAGE FOR DIAPERS

The act requires the DSS commissioner to study the feasibility of expanding Medicaid coverage for diapers to children ages birth to three for whom diapers are medically necessary. The act requires the commissioner to report her findings to the Human Services Committee by January 1, 2025. The report must analyze and make recommendations on the following topics:

1. federal requirements for Medicaid coverage of diapers for children described above,
2. a summary of diaper coverage under Medicaid programs in other states,
3. clinical best practices,
4. operational and programmatic considerations,
5. opportunities to use the existing diaper coverage system for certain Medicaid recipients,
6. coverage options, and
7. the fiscal impact to the state.

BACKGROUND

Related Act

PA 24-50 requires DSS to provide Medicaid coverage for biomarker testing, which, under the act, includes whole genome sequencing.

PA 24-134—sHB 5373
Human Services Committee

AN ACT CONCERNING VARIOUS REVISIONS TO HUMAN SERVICES STATUTES

SUMMARY: This act makes various unrelated changes to human services statutes, including:

1. eliminating obsolete statutory provisions generally designating the Department of Social Services (DSS) as the lead agency for services to people with disabilities ("lead agency") (§§ 1, 5 & 10);
2. establishing an interagency coalition to reduce silos in providing services for people with intellectual and developmental disabilities (IDD), including autism spectrum disorder (ASD) (§ 6); and
3. reassigning the reporting requirements for the Medicaid waiver program services for people with IDD and ASD from the Office of Policy and Management (OPM) to the Department of Developmental Services (DDS) and DSS, respectively (§§ 7-9).

Lastly, the act makes minor changes in several statutes to correct the calendar date when the fiscal quarter ends (§§ 2-4).

EFFECTIVE DATE: Upon passage

§§ 1, 5 & 10 — REPEALING DSS'S "LEAD AGENCY" STATUS

In eliminating DSS's designation as the lead agency for services for people with disabilities, the act removes requirements for DSS to (1) coordinate the delivery of these services by all state agencies and (2) appoint a council, which is currently inactive, to advise it in doing so. It similarly eliminates certain requirements related to DSS's status as lead agency, including:

1. repealing obsolete statutes requiring the department to carry out a planning requirement and
2. removing prior law's requirement for the department to develop a written summary of all state programs for people with disabilities and distribute copies to all state agencies providing services to people with disabilities.

In doing so, the act also eliminates prior law's requirement that each state agency providing these services give each person that applies a copy of this summary.

§ 6 — INTERAGENCY COALITION

The act requires the OPM secretary to establish an interagency coalition tasked with developing strategies to reduce silos in providing services to people with IDD and ASD. By law, DDS is the lead agency for people with IDD and DSS is the lead agency for people with ASD. Under the act, the coalition must include representatives from both agencies in these capacities. The coalition must meet at least quarterly and report to the Human Services and Public Health committees on its progress in reducing service silos by July 1, 2025.

§§ 7-9 — REPORTING REQUIREMENTS

The act reassigns, from OPM to DDS and DSS, certain reporting requirements for Medicaid waiver programs for people with disabilities.

Medicaid Waiver Programs for People With IDD Other Than ASD

Existing law requires the DDS commissioner, in consultation with the DSS commissioner and OPM secretary, to reduce waiting lists for Medicaid waiver service programs for people with IDD. Prior law required an OPM staff person employed to identify state-provided programs for people with IDD other than ASD to report to the Appropriations, Human Services, and Public Health committees on Medicaid waiver program waiting lists. The act instead requires the DDS commissioner

to consult with the OPM staff person and annually report to these committees on people currently receiving Medicaid waiver program services.

Under the act, the report must include aggregated, deidentified data from the prior fiscal year on the following:

1. the number and age ranges of people who are and are not receiving Medicaid waiver program services but are on the waitlist for DDS residential services (for those who are receiving services, the report must include the type of services being received);
2. whether waiting lists have changed, and if so, how (prior law required this report for the previous calendar year);
3. the number of people with IDD waiting to access employment opportunities or day services;
4. the number and age ranges of primary caregivers for people with IDD who are living in their family home; and
5. the number and age ranges of individuals (a) currently served by Medicaid waiver programs, (b) currently receiving residential services through Medicaid waiver programs, and (c) added or removed from waiting lists over the past fiscal year.

The report must also include DDS's recommendations and initiatives to reduce waiting lists over the next fiscal year. The act requires the DDS commissioner to post this report on the department's website.

Medicaid Waiver Programs for People With ASD

Prior law required OPM's statewide coordinator of programs and services provided by state agencies for people with ASD to report annually to the Appropriations and Human Services committees on waiting lists for ASD-related services. The act instead requires the DSS commissioner, in consultation with the OPM statewide coordinator, to report on people receiving and waiting for these services to the same committees and the Autism Spectrum Disorder Advisory Council. The act repeals a separate requirement for the DSS commissioner to report annually with much of the same data to the Human Services Committee and the council.

Under the act, the report must include aggregated, deidentified data, similar to the repealed reporting requirement, from the prior fiscal year on the following:

1. the number and age ranges of people (a) currently receiving and (b) on the waiting list for, Medicaid waiver program services;
2. the number and age ranges of people (a) currently receiving and (b) on the waiting list for, residential care through the Medicaid waiver program;
3. the number and age ranges of people currently receiving Medicaid waiver program services but on the waiting list for further services and a description of the services for which these people are waiting;
4. the number and age ranges of people added to or removed from waiting lists and a description of how waiting list counts have changed in the prior calendar year; and
5. available outcome data for people eligible to receive Medicaid waiver program ASD services, including the number of people enrolled in postsecondary education, employment status, and living arrangements.

The report must also include recommendations to further reduce waiting lists and associated costs. The act requires the DSS commissioner to post this report on the department's website.

Under the act, the commissioner is no longer required to report on the (1) unmet needs of those on the waiting list and (2) projected estimates for a five-year period of costs to the state due to the unmet needs.

PA 24-145—sHB 5426
Human Services Committee

AN ACT CONCERNING ENERGY ASSISTANCE STUDIES AND FUEL VENDOR REIMBURSEMENT

SUMMARY: This act requires the Department of Social Services (DSS) commissioner to set new pricing standards for deliverable fuel for the Connecticut Energy Assistance Program (CEAP), starting with the program period beginning November 1, 2025. The standards must fairly compensate fuel vendors for costs incurred in fuel purchase and delivery while also maintaining the maximum funding amount for benefit recipients. It also requires the commissioner to include these pricing standards in the Low Income Home Energy Assistance Program's (LIHEAP) annual report starting August 1, 2025. (LIHEAP is the federal block grant that funds CEAP.)

The act also requires DSS to convene a working group to study best practices used in energy assistance programs in other states to fairly compensate deliverable fuel vendors while maintaining the maximum amount of funding to benefit recipients. The working group must report its study to the Appropriations, Energy and Technology, and Human Services committees by January 31, 2025.

Lastly, the act requires DSS, in consultation with the Low-Income Energy Advisory Board, to study the feasibility of developing a common application and benefit portal for applicants for LIHEAP and Operation Fuel benefits. DSS must report its findings, including the portals costs and benefits, to the Energy and Technology and Human Services committees by July 1, 2025.

EFFECTIVE DATE: July 1, 2024, except the working group and study requirements are effective upon passage.

FUEL VENDOR WORKING GROUP MEMBERSHIP

Under the act, DSS's fuel vendor working group includes the following members:

1. a member of a deliverable fuel vendor organization;
2. a representative from a community action agency that contracts with DSS to administer LIHEAP-funded energy assistance;
3. a Department of Administrative Services representative;
4. a person representing CEAP recipients' interests and financial concerns; and
5. an Office of Consumer Counsel representative.

BACKGROUND

Related Act

PA 24-37 redesignates the "Low Income Energy Advisory Board" as the "Low-Income Energy and Water Advisory Board" and broadens the board's duties.

INSURANCE AND REAL ESTATE COMMITTEE

The Insurance and Real Estate Committee did not favorably report bills during the 2024 legislative session. However, some of the concepts that the committee considered were enacted in other bills. Please refer to the Office of Legislative Research 2024 Bill Tracking Report for more details (https://cga.ct.gov/olr/Documents/year/special/2024BT-20240716_2024 Bill Tracking.pdf). That report identifies bills considered during the General Assembly's 2024 regular legislative session and June Special Session whose content or concepts were incorporated into other legislation that the legislature passed under different bill numbers.

PA 24-15—HB 5381
Judiciary Committee

AN ACT CONCERNING THE USE OF POLICE BODY-WORN RECORDING EQUIPMENT

SUMMARY: This act specifically requires the state's guidelines on the use of police body cameras, starting October 1, 2024, to include provisions on the circumstances when officers must not pause recording with the cameras. The act similarly requires these circumstances to be included in police basic and review training programs on body camera use.

By law, the Department of Emergency Services and Public Protection commissioner and the Police Officer Standards and Training Council (POST) must jointly maintain body and dashboard camera guidelines, which law enforcement units and police officers must follow (see BACKGROUND). Police basic and review training programs conducted or administered by the State Police, POST, or municipal police departments must include training on, among other things, using body cameras.

EFFECTIVE DATE: Upon passage, except the provision on police training programs takes effect October 1, 2024.

BACKGROUND

Law Enforcement Units and Police Officers

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)).

Under the body camera law, a "police officer" is a sworn member of a law enforcement unit or any member of a law enforcement unit who performs police duties (CGS § 29-6d(a)(2)).

Model Policy

Under the state's existing model policy on the use of body cameras and dashboard cameras (last revised in March 2024), police officers generally must (1) activate body cameras while interacting with the public in a law enforcement capacity and (2) keep the cameras activated until the interaction has concluded.

The policy allows officers to deactivate the cameras if they determine that under the circumstances, the investigation could be significantly hampered by continuing to record. Under the policy, whenever possible, officers should consult with supervisors before making the decision to deactivate the cameras.

PA 24-24—sSB 212
Judiciary Committee

AN ACT CONCERNING THE REVISOR'S TECHNICAL CORRECTIONS TO THE GENERAL STATUTES

SUMMARY: This act makes various technical changes throughout the general statutes. These include correcting statutory cross-references and repealing an obsolete statute that substituted terminology associated with the Workers' Compensation Commission.

EFFECTIVE DATE: October 1, 2024

PA 24-43—HB 5467
Judiciary Committee

AN ACT CONCERNING FIREARMS BACKGROUND CHECKS

SUMMARY: By law, records of juvenile cases involving delinquency proceedings are available only to certain people and in specified circumstances, such as employees and agents of municipal, state, and federal agencies involved in evaluating a proposed transfer of a firearm to a person under age 21, as required by federal law.

This act specifies that these employees and authorized agents have access to the juvenile records whether the proposed transfer of the firearm is to a person under age 21 in this state or any other state.

EFFECTIVE DATE: July 1, 2024

JUVENILE RECORD DISCLOSURE ALLOWED

Under existing law, people to whom juvenile records may be disclosed include:
1. judicial branch employees who, in performing their duties, require access to the records;
2. probate court judges and employees who, in performing their duties, require access to the records; and
3. employees and authorized agents of municipal, state, or federal agencies involved in (a) the delinquency proceedings, (b) providing services directly to the child, (c) delivering court diversionary programs, or (d) evaluating a proposed transfer of a firearm to a person under age 21 as required by federal law.

PA 24-44—sHB 5487
Judiciary Committee

AN ACT CONCERNING THE OPERATION AND ADMINISTRATION OF THE OFFICE OF THE CLAIMS COMMISSIONER

SUMMARY: This act makes several changes in the laws governing claims against the state and the Office of the Claims Commissioner ("the office"). Principally, it:
1. reinstates the $50,000 minimum threshold for claimants seeking legislative review of the office's decision on certain claims, and requires claimants seeking legislative review to submit a summary, of no more than two pages, of the basis for their request;
2. renames the "temporary" deputies within the office as "special" deputies and correspondingly eliminates prior law's termination date for these positions;
3. removes the 90-day post-hearing deadline for the office to issue decisions on claims, instead requiring that it make all reasonable efforts to do so within this period, and limits the duration of extensions that the legislature may grant the office;
4. makes changes to the required information in claim notices;
5. specifically requires the claims commissioner to work full time in the position (§ 2); and
6. adds claims for $50,000 or less to the list of claims that are privileged for hearing assignment (the existing list includes, among others, claims by people ages 65 or older) (§ 5).

The act also makes minor, technical, and conforming changes, such as specifying that certain provisions in law apply to the deputy claims commissioner and special deputies, not just the claims commissioner.
EFFECTIVE DATE: July 1, 2024

§§ 8 & 9 — GENERAL ASSEMBLY REVIEW OF DECISIONS

The act reinstates the $50,000 claim threshold, removed in 2023, for which claimants may request legislative review of certain decisions by the office. Under the act, as under prior law, this applies to any decision ordering (1) a claim's denial or dismissal, including claims requesting permission to sue the state, or (2) immediate payment of a just claim of up to $35,000. By law, claimants may also seek legislative review of denials or dismissals by special deputies of certain claims exclusively seeking permission to sue the state, with no monetary threshold.

By law, a claimant seeking legislative review must submit a written request to the office within 20 days after receiving the decision. The act requires the request to include a summary, no longer than two pages, of the factual and legal basis for requesting review.

By law, if a claimant has the right to seek legislative review, the office must notify the claimant of this in writing and include the deadline to do so. The act additionally requires this notice to inform the claimant (1) about the claimant's responsibility to include a written summary of the basis for the request (see above) and (2) that failure to meet the deadline, or to include the summary, extinguishes any right to legislative review. Under the act, the office must submit claims to the legislature for review only if they meet these requirements, and must not otherwise submit them.

These requirements do not apply to claims which, by law, are automatically submitted to the General Assembly for review (i.e., those claims for which the office is recommending payment of over $35,000).

§§ 1 & 2 — SPECIAL DEPUTIES

Under prior law, the office included up to six temporary deputies to hear and decide claims against the state or make recommendations on assigned claims. Prior law prohibited these deputies from being appointed or serving on or after March 1, 2026. The act eliminates this termination date and correspondingly renames the role as "special deputies." As under existing law, they serve at the governor's pleasure for the same term as the governor or until a successor is qualified and appointed, whichever is later.

By law, the governor appoints these deputies within available appropriations. They must be attorneys with trial experience and experience practicing before Connecticut courts. They are paid a per-diem rate for their service.

§§ 8 & 12 — DECISION DEADLINES

Prior law required the claims commissioner, deputy claims commissioner, or special deputies to reach a decision within 90 days after hearing a claim. The act instead requires them to make all reasonable efforts to reach a decision within this time frame.

The act makes a similar change to the decision deadline after a claimant files notice with certain officials that a claim only seeking permission to sue the state remains pending after 18 months. It requires the office to make all reasonable efforts to reach a decision within 90 days after the notice filing, rather than to reach a decision within that time frame. Under the act, the office keeps jurisdiction over the claim after the 90-day period until the end of the next regular legislative session. As under existing law, these provisions do not apply if the parties agree to an extension. By law, if these claims remain undecided after this 90-day period and the parties do not agree to an extension, they are referred to a special deputy, who must issue a decision within 90 days.

§ 11 — LEGISLATIVE EXTENSIONS

By law, within five days after the start of each regular legislative session, the claims commissioner must report on claims that remain undisposed for two years following the filing date or any legislatively granted extension (except for claims where the claimant did not object to an extension). The office must notify the claimants that the legislature will consider these claims at its next regular session. Under existing law, the legislature has the option to grant the office an extension for these claims. The act limits any extension to no later than the end of the next regular session.

§ 4 — CLAIM NOTICES

The act removes the requirement that claimants, when filing a claim notice with the office, file duplicate copies. It requires the notice to include the claimant's telephone number and email address, if any, and if applicable, those of the claimant's principal and attorney, in addition to their names and addresses as under existing law. It also requires claimants or their attorneys to notify the office about any changes in address, telephone number, or email address.

Existing law requires the claim notice to indicate the amount requested. The act requires this to at least indicate whether the claim is or is not over $50,000, instead of $35,000 as under prior law.

The act specifies that electronic claim notices are deemed to have been filed with the office on the date they were electronically sent.

PA 24-72—sSB 360
Judiciary Committee

AN ACT CONCERNING THE TRANSCRIPT FEES CHARGED BY OFFICIAL COURT REPORTERS AND COURT REPORTING MONITORS

SUMMARY: This act increases the transcript fees that court reporters and court reporting monitors may charge.

Specifically, for transcripts requested by someone other than a public official, the act increases the per-page fee from (1) $3 to $3.60 for the first transcript from the original record and (2) $1.75 to $2.10 for subsequent copies. For transcripts requested by most public officials (state or local) other than judicial employees or officers, it increases the per-page fee from (1) $2 to $2.40 for the first transcript from the original record and (2) $.75 to $.90 for subsequent copies.

The law prohibits court reporters and monitors from charging (1) a state's attorney for a copy of a transcript requested by a party of record or a party represented by counsel other than a public defender and (2) the court for a copy requested by

a state's attorney or a party of record.

By law, the fees for court reporters and court monitors also apply to official and assistant stenographers in the offices of workers' compensation administrative law judges.

EFFECTIVE DATE: October 1, 2024

PA 24-97—sSB 324
Judiciary Committee

AN ACT CONCERNING PROBATE COURT OPERATIONS AND ADMINISTRATION

SUMMARY: This act makes changes in laws governing probate court operations and related matters.

It prohibits using remote notarization to execute an agreement to divide a testate estate (i.e., an estate under a will). Existing law already prohibits using remote notarization for agreements to divide an intestate estate (i.e., estates without a will) (§ 1).

The act extends to the U.S. Department of Veterans Affairs Connecticut Healthcare System the same requirements that apply under existing law to state agencies for paying probate court fees. Under this law, if a state agency files a probate court matter or is otherwise liable for probate fees or expenses, the court must accept the matter without the filing fee and bill the agency for later payment, with the bill due upon receipt (§ 2).

The act changes certain notice requirements for involuntary proceedings under the state's Indian Child Welfare Act (ICWA), including setting different requirements for probate court and Superior Court cases and making minor changes to related provisions (for cases in either court) (§ 3).

The act specifies the procedures to notify the non-petitioning spouse of an involuntary conservatorship petition if the spouse is out-of-state, cannot be located, or cannot be served in the state. It also requires notice to be sent by certified mail to specified other family members if the spouse's location is unknown in certain cases involving elderly persons (§ 4).

EFFECTIVE DATE: October 1, 2024

§ 3 — NOTICES UNDER INDIAN CHILD WELFARE ACT

PA 23-113 generally codified into state law the federal ICWA, which governs jurisdiction over American Indian children's removal from their families in custody, foster care, and adoption cases. That act gives exclusive jurisdiction to Indian tribes over certain proceedings involving Indian children and preferred jurisdiction in some others.

Under prior law, for involuntary proceedings in state court (either probate court or Superior Court), the party seeking the foster care placement of, or termination of parental rights (TPR) to, an Indian child had to notify the parent or Indian custodian and the child's tribe about the pending proceedings and their right to intervene. This act sets different notice requirements for probate court cases (specifically, those in which a party is seeking an adoption or TPR), primarily by requiring the court, rather than the petitioning party, to send required notices, and makes a few changes to the underlying requirements for cases in either court. Principally, the act does the following:

1. specifically requires the probate court to notify the parent, and the notice to include the Indian custodian's or tribe's right to intervene, under existing notice procedures (outside of the ICWA) on TPR hearings (see BACKGROUND);
2. requires the probate court to notify the Indian custodian and tribe by registered or certified mail, return receipt requested;
3. for Superior Court cases, allows the notice (to the parent, custodian, or tribe) to be sent by certified mail, in addition to registered mail as under existing law;
4. in probate court cases where the person's and tribe's identity or location cannot be determined, requires the probate court to send the required notices to certain officials; and
5. for both Superior and probate court, where the person's and tribe's identity or location cannot be determined, allows the notice (for children from federally recognized tribes) to be sent to the Bureau of Indian Affairs Regional Director instead of the U.S. Secretary of the Interior and makes a conforming change.

§ 4 — INVOLUNTARY CONSERVATORSHIP NOTICES

By law, the probate court may appoint a conservator of the person or a conservator of the estate, or both, after finding that a person ("the respondent") is incapable of managing his or her affairs or caring for himself or herself.

If someone other than the respondent's spouse files a petition to appoint an involuntary conservator, existing law

requires the spouse (in addition to the respondent) to receive personal (i.e., in-hand) service about the hearing. The act specifies the required notice process if (1) the spouse is out of state, (2) his or her address is unknown, or (3) personal service or service at the spouse's usual residence cannot reasonably be done in the state. In these cases, the judge or court clerk must order the notice to be sent by registered or certified mail, return receipt requested, or by newspaper publication at least 10 days before the hearing. If the latter, the notice must be in a newspaper of general circulation in the area of the person's last known address (in Connecticut or elsewhere), or in the place where the petition was filed if that address is unknown.

For all involuntary conservatorship cases, the court must order notice, as it directs, to the respondent's other relatives, as follows: the children; if none, the parents; if none, the siblings or their representatives; or if none, the next of kin. But existing law requires this notice to be sent by certified mail if the respondent is unmarried and the conservatorship application was brought by the Department of Social Services (DSS) commissioner for an elderly person who is being abused, neglected, exploited, or abandoned and lacks the capacity to consent to protective services. For these cases brought by DSS, the act also requires the notices to relatives to be sent by certified mail if the respondent's spouse cannot be located.

BACKGROUND

Notice of TPR Hearings

By law, at least 10 days before a hearing on a TPR petition, notice generally must be served on the (1) parents, and in some cases, other people (e.g., the child if age 12 or older), by personal service or service at the person's usual residence (different requirements apply if the address is unknown or out of state) and (2) Department of Children and Families commissioner and attorney general by first class mail (CGS § 45a-716).

PA 24-104—sSB 272
Judiciary Committee

AN ACT CONCERNING ADOPTION OF THE CONNECTICUT UNIFORM TRUST DECANTING ACT

SUMMARY: This act adopts the Connecticut Uniform Trust Decanting Act. Generally, a trust decanting occurs when a trust's authorized fiduciary (typically, the trustee), in line with authority granted by the trust, modifies the trust's terms or distributes property from it to another trust. Existing law recognizes decanting but does not set specific procedures or standards for it.

The act generally allows decanting for express irrevocable trusts or, under limited circumstances, revocable trusts. It does not allow decanting of wholly charitable trusts (but sets rules for decanting of charitable interests within other trusts). For a decanting to occur, the authorized fiduciary generally must have the discretionary power under the trust's terms to make principal distributions (except for certain trusts for a beneficiary with a disability). The decanting power differs based on whether the authorized fiduciary has limited or expanded discretion under the first trust to distribute principal.

Under the act, authorized fiduciaries who choose to decant must do so in line with their fiduciary duties. They generally (1) do not need court approval for decanting, except for testamentary trusts, but (2) must notify qualified beneficiaries and in some cases, certain state officials.

Among other things, the act:

1. protects trustees or other people from liability for reasonably relying on a prior decanting;
2. specifically grants the court authority over certain decanting-related matters, upon petition of the authorized fiduciary or certain other parties;
3. sets specific standards for decanting involving special-needs trusts for a beneficiary with a disability;
4. sets certain limits on the decanting power, such as limits to avoid unintended tax consequences; and
5. includes a saving provision to address a decanting that does not comply with all of its requirements.

The act also makes certain related changes to existing laws, including (1) establishing which court has jurisdiction over decanting-related matters and (2) setting a $300 fee for petitions to the probate court for approval of a decanting (as noted above, court approval is not always required).

EFFECTIVE DATE: January 1, 2025

§§ 1-29 — CONNECTICUT UNIFORM TRUST DECANTING ACT

The act sets rules for the decanting of trusts (see BACKGROUND). Under the act, a "first trust" is a trust over which

an authorized fiduciary may exercise the decanting power. A "second trust" is a (1) first trust after its modification under the act or (2) trust to which a property distribution from a first trust was or could be made. The "decanting power" is an authorized fiduciary's power to modify the first trust's terms or distribute its property to one or more second trusts.

An "authorized fiduciary" is generally a trustee or other fiduciary, other than a settlor (i.e., the trust creator) or a beneficiary, with discretion to distribute or direct a trustee to distribute any part of the first trust's principal to one or more current beneficiaries. The term also includes a (1) court-appointed special fiduciary (see § 9) or (2) special-needs fiduciary (see § 13).

Scope (§ 3)

The act generally applies to express trusts that are (1) irrevocable (whether created under a will or otherwise) or (2) revocable by the settlor only with the consent of the trustee or someone holding an adverse interest. It does not apply to (1) wholly charitable trusts or (2) statutory trusts created under the existing Connecticut Statutory Trust Act (CGS § 34-500 et seq.).

The act allows a trust instrument to restrict or prohibit the exercise of the decanting power (see § 15).

Under the act, for special-needs trusts created under specified federal Medicaid law, (1) the act's applicable provisions must not be interpreted inconsistently with or in contradiction of federal law and (2) courts may not issue an order or other ruling that is inconsistent with or contradicts federal law.

The act does not limit anyone's authority to distribute or appoint property in further trust or to modify a trust under the trust instrument, other state law, the common law, a court order, or a nonjudicial settlement agreement. It also does not affect the settlor's ability to provide in a trust instrument for the distribution of the trust property, appointment in further trust of the property, or modification of the trust instrument.

Fiduciary Duty (§ 4)

The act requires authorized fiduciaries, in exercising the decanting power, to act in line with their fiduciary duties, including the duty to follow the first trust's purposes. It does not create or imply a duty to decant or to inform beneficiaries about the act's applicability.

Under the act, and for a trustee's specified fiduciary duties under the existing Connecticut Uniform Trust Code (see BACKGROUND), the first trust's terms are deemed to include the decanting power unless the trust provides otherwise. These duties include, among other things, administering trust assets solely in the beneficiary's interests consistent with the settlor's intent.

Application; Governing Law (§ 5)

The act applies to trusts, whenever created, that (1) have their principal place of administration in Connecticut or (2) specify that they are governed by Connecticut law generally or for their administration, construction of terms, or to determine the meaning or effect of terms.

Reasonable Reliance (§ 6)

The act allows a trustee or other person to reasonably rely on the validity of a prior decanting performed under the act, another state law, or the law of another jurisdiction. The person is not liable for any act or failure to act due to that reliance.

Notice; Exercise of Decanting Power (§ 7)

The act allows an authorized fiduciary to exercise the decanting power without anyone else's consent and without court approval unless the act requires otherwise. Generally, before decanting, an authorized fiduciary must give at least 60 days' notice in a record to the following:

1. the first trust's settlors (if living or in existence) and qualified beneficiaries (see below),
2. holders of a presently exercisable power of appointment over part or all of the first trust,
3. anyone with the right to remove or replace the authorized fiduciary,
4. the first trust's other fiduciaries and the second trust's fiduciaries,
5. the attorney general (for trusts with a determinable charitable interest), and
6. the attorney general and the Department of Social Services (for special-needs trusts created under federal Medicaid law).

"Qualified beneficiaries" are those who (1) are currently eligible to receive a trust distribution or (2) would be eligible upon termination of the trust or the interests of current qualified beneficiaries.

The act allows a fiduciary to decant before this notice period expires if all people entitled to receive notice provide a signed waiver.

The required notice must (1) specify how and when the fiduciary intends to decant and (2) include a copy of the first-trust instrument and all second-trust instruments.

Under the act, a person's receiving or waiving of the notice, or the notice period's expiration, does not prevent the person from bringing a court petition asserting that the (1) decanting did not comply with the act or was an abuse of discretion or breach of fiduciary duty or (2) act's saving provision applies (see § 22).

The failure to give required notice generally does not invalidate the decanting if the authorized fiduciary complied with certain notice provisions under the state's Uniform Trust Code (which sets the permissible forms of notice, among other things; see § 30). But when the attorney general must receive notice under the act (see above), the decanting is not valid unless the authorized fiduciary has a confirmed email delivery notification or certified mail receipt.

Representation (§ 8)

The act sets rules about people authorized by the first-trust instrument or the existing trust code to represent and bind another person. Under the act, (1) notice to a person's representative has the same effect as if the person was directly notified, (2) the representative's consent or waiver is binding on the represented person unless that person objects to the representation beforehand, and (3) a representative may bring a court petition on the person's behalf.

The act prohibits a settlor from representing or binding a beneficiary.

Court Involvement (§ 9)

The act allows the authorized fiduciary, anyone entitled to notice under the act (see § 7), a beneficiary, or anyone with standing to enforce a charitable interest (including the attorney general), to petition the court for certain decanting-related purposes. Specifically, they may ask the court to:

1. instruct the fiduciary as to whether a proposed decanting is permissible under the act and consistent with the fiduciary's duties;
2. appoint a special fiduciary and authorize that person to determine whether a decanting should occur and to do it;
3. approve the exercise of the decanting power;
4. determine that a proposed or attempted decanting is ineffective because it violates the act, even after applying the saving clause, or is an abuse of the fiduciary's discretion or breach of fiduciary duty;
5. determine the extent to which the saving clause applies to a prior decanting;
6. instruct a trustee on the saving clause's application to a prior decanting; or
7. order other relief to carry out the act's purposes.

The act also allows the authorized fiduciary to petition the court for approval of (1) an increase in the fiduciary's compensation (see § 16) or (2) a change to a provision granting someone the right to remove or replace the fiduciary (see § 18).

Under the act, for testamentary trusts, an authorized fiduciary must obtain probate court approval before decanting. And, if a first trust has a determinable charitable interest, the act bars an authorized fiduciary from using the decanting power while a related court petition is pending, unless the court orders otherwise.

Formalities (§ 10)

Under the act, a decanting must be in a record signed by an authorized fiduciary. The record, directly or by referencing the required notice, must (1) identify the involved trusts and (2) state the property being distributed to each second trust and any property remaining in the first trust.

Decanting Power Under Expanded Distributive Discretion (§ 11)

Under the act, an authorized fiduciary with expanded distributive discretion over the first trust's principal for the benefit of one or more current beneficiaries generally may exercise the decanting power over that principal. "Expanded distributive discretion" is a discretionary power of distribution that is not limited to an ascertainable standard or a reasonably definite standard. (Generally, these standards relate to, among other things, someone's health, education, support, maintenance, or standard of living.)

Generally, in the decanting, the act prohibits a second trust in these cases from (1) reducing or eliminating a vested interest; (2) including as a current beneficiary a person who is not a current beneficiary of the first trust; or (3) including as a presumptive remainder beneficiary or successor beneficiary a person who is not a current, presumptive remainder, or successor beneficiary of the first trust. Generally, a "current beneficiary" is a beneficiary who is receiving, or is entitled to receive, trust income and principal; a "successor beneficiary" is a beneficiary that is not a qualified beneficiary; and a "presumptive remainder beneficiary" is a qualified beneficiary other than a current beneficiary.

Under the act and subject to certain limitations, the second trust may do the following:

1. reduce or eliminate non-vested interests of current, presumptive remainder, or successor beneficiaries;
2. keep a power of appointment;
3. omit a power of appointment (other than a presently exercisable general power of appointment); and
4. under certain conditions, create or modify a power of appointment.

A "power of appointment" allows someone acting in a nonfiduciary capacity to designate someone to receive an ownership interest in property or to another power of appointment over that property. It does not include a power of attorney. Among other things, the act specifies that people who are not first trust beneficiaries may be permissible appointees of a current beneficiary's power of appointment.

The act also specifies that the second trust does not need to be created or administered under Connecticut law (except trusts with charitable interests must be administered under Connecticut law in certain circumstances; see § 14).

Under the act, if an authorized fiduciary has expanded distributive discretion over only part of the first trust's principal, the fiduciary may exercise the decanting power over that part.

Decanting Power Under Limited Distributive Discretion (§ 12)

The act allows an authorized fiduciary with limited distributive discretion over the first trust's principal for the benefit of one or more current beneficiaries to exercise the decanting power over the principal. "Limited distributive discretion" is a discretionary power of distribution that is limited to an ascertainable standard or a reasonably definite standard.

In a decanting under these circumstances, the act prohibits a second trust from (1) having different current, presumptive remainder, or successor beneficiaries than the first trust; (2) changing the discretion standard from the first trust, except as allowed below; (3) changing a power of appointment granted in the first trust; or (4) reducing or eliminating a vested interest.

Under the act and subject to certain limitations, if the second trust extends the first trust's duration, it may change the first trust's discretion standard, including to an expanded standard. This only applies to the period after which the first trust would have otherwise ended.

Under the act, the second trust does not need to be created or administered under Connecticut law, except for the administration of trusts with charitable interests in certain circumstances (see § 14).

If an authorized fiduciary has limited distributive discretion over only part of a first trust's principal, then the fiduciary may exercise the decanting power over that part.

Trust for Beneficiary With a Disability (§ 13)

The act sets specific rules for how a fiduciary can exercise the decanting power over "special-needs trusts" for a beneficiary with a disability. This trust is one that the trustee believes would not be considered an asset for determining the beneficiary's governmental benefit eligibility. The beneficiary does not have to currently be receiving these benefits or to have been adjudicated incapable.

Under the act, the fiduciary with power to decant these trusts is called a "special-needs fiduciary." Unlike with other authorized fiduciaries under the act, this term is not restricted to those with discretionary authority to distribute the first trust's principal to current beneficiaries. If there is no such fiduciary, the special-needs fiduciary can be one with discretionary authority to distribute the trust's income, or if there is no such fiduciary, one who is required to make distributions of principal or income.

The act allows a special-needs fiduciary to decant the first trust's principal under its provisions on expanded distributive discretion (see § 11) if the (1) second trust is a special-needs trust for a beneficiary with a disability and (2) fiduciary determines that decanting will further the first trust's purposes.

In this decanting, the act allows the second trust to be a pooled trust as defined under federal Medicaid law or have payback provisions that comply with Medicaid reimbursement requirements (i.e., upon the beneficiary's death, the state is reimbursed for the Medicaid assistance it gave the person). (Generally, a pooled trust is established by a nonprofit organization and holds the assets of several people with disabilities in separate accounts, but pools the accounts for investment and management purposes.)

In either case, the decanting must not impair the state's claim, upon the beneficiary's death, for (1) medical assistance the state provided or (2) other claims the state would have against the beneficiary's estate.

The act's general prohibition on decanting that reduces or eliminates a vested interest does not apply to the interests of beneficiaries with a disability.

The second trust (or if there are multiple second trusts, those trusts in total) generally must give each of the first trust's other beneficiaries the beneficial interest in the second trust in line with the act's general requirements (see §§ 11 & 12). This applies except to the extent these other people's interests are affected by changes to the interests of the beneficiary with a disability.

Protection of Charitable Interests (§ 14)

Under the act, if a first trust contains a determinable charitable interest, the attorney general has the rights of a qualified beneficiary and may represent the public interest in charitable gifts in line with his existing authority.

If a first trust contains a charitable interest, the act prohibits the second trust or trusts from:

1. diminishing that interest or the interest of an identified charitable organization that holds that interest or
2. changing any charitable purpose in the first-trust instrument or any condition or restriction related to that interest.

If there are multiple second trusts, they must be treated as one trust when determining whether decanting diminishes the charitable interest or the interest of an organization holding that interest.

If a first trust has a determinable charitable interest, the second trust with a charitable interest must be administered under Connecticut law unless the (1) attorney general, after receiving notice, fails to timely object; (2) attorney general consents in a signed record to administration under another jurisdiction's law; or (3) court approved the decanting.

The act specifies that it does not limit the attorney general's powers and duties under state law.

Trust Limitation on Decanting (§ 15)

The act prohibits an authorized fiduciary from exercising the decanting power to the extent the first-trust instrument expressly prohibits it or prohibits a fiduciary from using authority under state law to modify the trust or distribute any part of its principal to another trust. Decanting is subject to a first-trust instrument's express restrictions on these activities.

Subject to these provisions, an authorized fiduciary may decant even if the first-trust instrument allows the fiduciary or someone else to modify that instrument or to distribute part or all of the first trust's principal to another trust. However, any of the first trust's above express prohibitions or restrictions must be included in the second-trust instrument.

Under the act, a general prohibition on amending or revoking a first trust, a spendthrift clause (generally, a limitation on the beneficiaries' or their creditors' ability to reach trust assets), or a clause restraining the transfer of a beneficiary's interest does not prevent decanting.

Change in Compensation (§ 16)

The act requires court approval or unanimous consent of the second trust's qualified beneficiaries for an authorized fiduciary to use decanting to increase the fiduciary's compensation above the amount specified in the first trust. If the first trust does not set the compensation, the fiduciary may not use decanting to increase his or her compensation above that allowed under the state's existing trust code. (Under the code, if a trust does not set the compensation, the trustee is entitled to compensation that is reasonable under the circumstances.) These provisions do not apply to compensation increases that are incidental to other changes made by decanting.

Relief From Liability and Indemnification (§ 17)

The act generally prohibits a second-trust instrument from protecting an authorized fiduciary from liability for breach of trust to a greater extent than the first-trust instrument. But a second-trust instrument may indemnify the first trust's authorized fiduciary (or someone else acting in a fiduciary capacity under the first trust) for any liability or claim that would have been payable from the first trust if the decanting did not occur.

Under the act, a second-trust instrument may not reduce fiduciary liability in total. But it can divide and reallocate fiduciary powers among fiduciaries (including trustees or trust directors) and relieve a fiduciary from liability for another fiduciary's act or failure to act as permitted by other state law.

Removal or Replacement of Authorized Fiduciary (§ 18)

The act prohibits an authorized fiduciary from using decanting to change a first-trust instrument provision authorizing another person to remove or replace the fiduciary unless the (1) person consents in a signed record and the change applies only to that person, (2) person and the second trust's qualified beneficiaries consent in a signed record and the change gives a substantially similar power to another person, or (3) court approves the change that gives a substantially similar power to another person.

Tax-Related Limitations (§ 19)

The act places specified tax-related limitations on the decanting power (i.e., limits certain actions that could disqualify a trust from a particular tax benefit). This applies to tax situations involving the following:

1. the marital deduction under the federal gift or estate tax, or a state gift, estate, or inheritance tax;
2. the charitable deduction under the federal income, gift, or estate tax, or a state income, gift, estate, or inheritance tax;
3. the federal gift tax annual exclusion;
4. S corporation stock shares;
5. the federal generation-skipping transfer tax;
6. qualified benefits property and minimum distributions under certain retirement plans; and
7. grantor trusts, non-grantor trusts, or foreign grantor trusts (a grantor trust is one for which a first trust's settlor is considered the owner for federal income tax purposes).

For example, if a first trust contains property that qualified for the above marital or charitable deduction, or would have qualified except for the act's other provisions, the second-trust instrument must not include or omit any term that, if included or omitted, would prevent the transfer from qualifying for the deduction or reduce the deduction.

The act also contains a catch-all provision on tax benefits. It generally prohibits a second-trust instrument from including or omitting any term that, if included or omitted from the first-trust instrument, would lead to disqualification for a tax benefit. This applies if the (1) first-trust instrument expressly indicated an intention, or was clearly designed, to qualify for the tax benefit and (2) property transfer or first trust qualified for the benefit or would have qualified except for the act's other provisions. It does not apply to benefits arising from being a grantor trust.

Duration of Second Trust (§ 20)

Subject to its provisions on charitable interests, the act generally allows a second trust's duration to be the same or different than that of the first trust. But perpetuities rules that apply to the first trust also apply to the second trust to the extent that the second trust's assets are from the first trust. This includes rules on maximum perpetuity, accumulation, or suspension of the power of alienation.

Need to Distribute Not Required (§ 21)

The act allows an authorized fiduciary to exercise the decanting power regardless of whether the fiduciary would have distributed principal to a current beneficiary (or been required to do so) under the first trust's discretionary distribution standard.

Saving Provision (§ 22)

Under the act, if a decanting would be valid except for the second-trust instrument's partial noncompliance with the act, the decanting is still valid, subject to the following rules for the second trust's principal from the decanting. Generally, impermissible provisions in the second-trust instrument are void, and missing mandatory provisions are deemed included, as necessary to comply with the act. The act requires a second trust's trustee or other fiduciary to take corrective action after determining that either situation applies.

Trust for an Animal's Care (§ 23)

The act allows decanting to be used for an animal trust if it would otherwise be allowed under the act as if the animals benefitting from it were people and the protector consents in a signed record. A "protector" is someone appointed in the trust, or by the court, to enforce the trust on the animal's behalf. The act gives the protector for an animal the rights of a

qualified beneficiary.

In a decanting, if a first trust is an animal trust, the second trust must provide that trust property may be applied only to its intended purpose for the period the first trust benefitted the animal.

Second Trust Status Under the Uniform Trust Code (§ 24)

Under the act, any reference in the state's Uniform Trust Code to a trust instrument or trust terms includes a second-trust instrument and terms.

Settlor (§ 25)

Under the act, for other state law's purposes, a first trust's settlor is deemed to be the second trust's settlor for the portion of the first trust's principal that is subject to decanting. The intent of the authorized fiduciary and the settlor of either trust may be considered when determining settlor intent about the second trust.

Later-Discovered Property (§ 26)

The act sets rules for what happens to a first trust's later-discovered property or property that the first trust received after the decanting. Generally, if the decanting was intended to distribute the first trust's entire principal to the second trust, this property goes to the second trust; if not, it stays with the first trust. But the authorized fiduciary may provide otherwise in the decanting or by the second trust's terms.

Obligations (§ 27)

Under the act, a debt, liability, or other obligation against the first trust's property is enforceable to the same extent against the second trust's property after the decanting.

Uniformity of Application and Construction (§ 28)

The act 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.

Relation to E-SIGN Act (§ 29)

The act provides that its provisions modify, limit, and supersede the federal Electronic Signatures in Global and National Commerce (E-SIGN) Act, except for that act's consumer disclosure requirements. But it does not authorize electronic delivery of specified notices not subject to E-SIGN, such as court orders or notices.

§§ 30-32 — CORRESPONDING CHANGES TO EXISTING LAWS

Methods of Notice (§ 30)

The act applies the state's Uniform Trust Code standards for permissible notice methods to notices or documents under the act's decanting provisions (allowing them to be sent, among other ways, by first-class mail, or if the person has consented in advance, by email).

It similarly extends to these notices and documents an existing provision that allows them to not be sent to someone whose identity or location is unknown to, and not reasonably determinable by, the trustee.

Court Jurisdiction (§ 31)

For testamentary trusts, the act gives the probate court sole original jurisdiction to hear and decide decanting-related petitions (see § 9). For inter vivos trusts, the act gives the probate court and Superior Court concurrent jurisdiction over these petitions.

Probate Court Fee (§ 32)

The act sets a $300 fee for probate court petitions to exercise the decanting power (see § 9).

BACKGROUND

Trusts and Connecticut Uniform Trust Code

A trust, generally speaking, is an arrangement in which one person (the trustee) holds money or other property for another person (the beneficiary). The trustee owes certain duties to the beneficiary with regard to safeguarding, managing, and disposing of the trust property and income according to the trust's terms. The trust's creator is called the settlor.

PA 19-137 enacted the Connecticut Uniform Trust Code. The code establishes numerous rules on creating, modifying, terminating, and enforcing trusts (CGS § 45a-499a et seq.).

PA 24-106—sSB 439
Judiciary Committee

AN ACT CONCERNING COMPENSATION FOR PERSONS WHO ARE WRONGFULLY INCARCERATED

SUMMARY: This act makes various changes in the law that governs wrongful incarceration compensation.

Among other things, the act does the following:

1. expands the eligibility criteria by allowing compensation when the complaint or information is dismissed on grounds consistent with innocence (e.g., the conviction was vacated or reversed and there is substantial evidence of innocence);
2. specifies that the two-year filing deadline also applies from the date the information was dismissed;
3. requires the claims commissioner to determine whether a claimant meets the eligibility requirements within 90 days after the hearing;
4. calculates the award based on the "median family income" instead of the "median household income";
5. requires compensation awards to be offset by the amount of certain other damages awarded to the claimant;
6. limits payments for reintegration services;
7. increases, from $20,000 to $35,000, the threshold for legislative review of claims;
8. eliminates the General Assembly's authority to modify awards but allows it to remand the matter to the claims commissioner;
9. allows a deceased claimant's estate to receive compensation under certain conditions; and
10. specifies that the wrongful incarceration compensation provisions do not apply to certain agreements or stipulations the attorney general enters into on the state's behalf.

Lastly, it also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage and applicable to claims pending before the claims commissioner on the act's passage or filed with the claims commissioner on or after that date.

WRONGFUL INCARCERATION COMPENSATION

Eligibility

By law, a person is eligible for wrongful incarceration compensation if he or she was convicted by the state of one or more crimes and served time for the crime or crimes, the conviction was vacated or reversed, and the complaint or information was dismissed on one of the following grounds:

1. innocence, or
2. malfeasance or serious misconduct by a state officer, agent, employee, or official.

The act expands the eligibility criteria by also allowing compensation when the complaint or information is dismissed on grounds consistent with innocence.

Under the act, "grounds consistent with innocence" includes a situation in which a conviction was vacated or reversed and there is substantial evidence of innocence, whether the evidence was available at the time of the investigation or trial or is newly discovered.

Filing Deadline

Under existing law, claims based on a pardon or dismissal that occurred on or after October 1, 2008, must be filed within two years after the pardon was granted or complaint was dismissed. The act makes a conforming change to similarly set the filing deadline from within two years after the information was dismissed.

Hearing Before the Claims Commissioner

By law, a person who meets the eligibility criteria may file a claim against the state for compensation. The person must file the claim with the claims commissioner and, at the hearing, prove his or her eligibility by a preponderance of the evidence. The act requires the claims commissioner to determine whether a claimant meets the eligibility requirements within 90 days after the hearing.

Determining Compensation

By law, if the commissioner determines that a claimant is eligible for compensation, the commissioner must order immediate payment to the claimant for an amount the commissioner determines after assessing certain relevant factors.

Award Calculation. Prior law required the commissioner to award a claimant, for each year he or she was wrongfully incarcerated, an amount equal to or up to twice the median household income for the state, as determined by the U.S. Department of Housing and Urban Development (HUD), adjusted for inflation using the consumer price index for urban consumers. The act bases this amount on HUD's "median family income" instead of the "median household income." By law, unchanged by the act, the award amount must be prorated for any partial year the claimant served in incarceration.

By law, the commissioner may decrease or increase the award amount by 25% based on an assessment of relevant factors, including certain evidence the claimant presented at the hearing (e.g., evidence of his or her age, income, vocational training, and level of education at the time of conviction).

Offset. The act requires that the amount of compensation awarded be offset by the amount of any damages awarded to the claimant from an action by the claimant against any other unit of the state government by reason of the same subject of the claim.

Reintegration Services. Prior law allowed the commissioner to also award payment for any reintegration services the claimant may need. The act limits this to payment for the expenses of employment training, counseling, and tuition and fees at state colleges and universities.

Legislative Review of Compensation

Prior law required the General Assembly to review a compensation award if the claimant requested a review or the award exceeded $20,000. The act increases this threshold to $35,000.

The law requires the commissioner to submit the claim to the General Assembly for a review within five business days after the commissioner determined the award or the claimant requested it. The act specifies that this deadline is based on whichever event is sooner.

Under prior law, the General Assembly had to review the award and the claim from which it arose within 45 days after receiving the claim and could (1) deny the claim, (2) confirm the award, or (3) modify the award to any amount it deemed just and reasonable. The act removes the General Assembly's ability to modify the award and instead allows it to (1) deny or confirm the award or (2) remand the claim to the claims commissioner's office for any further proceedings the General Assembly may direct.

Under prior law, if the General Assembly took no action on the award or the claim, the commissioner's determination was deemed confirmed. The act specifies that this pertains to the award only.

Submissions During the Interim or Close to the End of Session

Under the act, compensation awards and their associated claims must be deemed to be submitted on the first day of the next regular session if the claims commissioner submits them to the General Assembly (1) when the General Assembly is not in a regular session or (2) 30 or fewer days before the end of a regular session and they are not acted upon dispositively before the end of the session.

Other Actions or Remedies

By law, a compensated claimant must sign a release that voluntarily relinquishes his or her right to pursue any other action or remedy arising from the wrongful conviction and incarceration. The act limits the applicability of this release to only those actions or remedies against the state.

Future Damages Awarded

Under the act, any future damages awarded to the claimant resulting from an action by the claimant against any other unit of government within the state by reason of the same subject of the claim must be offset by the compensation award received.

Deceased Claimants

The act establishes conditions under which a claimant's estate would be entitled to compensation.

Under the act, if a deceased claimant would be entitled to compensation if he or she were alive, including a claimant whose conviction was vacated or reversed posthumously, the claimant's estate is entitled to compensation if the claim was pending before the claims commissioner at the time of the claimant's death.

Applicability of the Law

The act specifies that the wrongful incarceration compensation provisions do not apply to any agreement or stipulation the attorney general enters into in connection with a lawsuit in which the state is a party and that contains provisions requiring more than $2.5 million of General Fund expenditure. By law, these agreements or stipulations require the General Assembly's approval.

PA 24-108—sSB 426
Judiciary Committee

AN ACT CONCERNING COURT OPERATIONS AND ADMINISTRATIVE PROCEEDINGS

TABLE OF CONTENTS:

§ 20 — VICTIM INFORMATION TO BAIL COMMISSIONERS

Requires police officers to give bail commissioners or intake assessment and referral specialists a crime victim's identifying information

§ 21 — PLEA AGREEMENT VICTIM STATEMENTS

Allows all crime victims to make a statement on any plea agreement before its acceptance by the court instead of just those where the defendant pleas to a lesser offense than what was originally charged

§ 23 — CONNECTICUT ADVISORY COUNCIL FOR CRIME VICTIMS

Increases the membership of the Connecticut Advisory Council for Victims of Crime from 15 to 20; specifies that members may represent victims of gun violence

§§ 22, 24 & 25 — OVS VICTIM COMPENSATION PROGRAM

Extends by one year the time limit for applying to the OVS victim compensation program; allows emotional harm victims to use the compensation for security measures; expands permitted victim compensation for emotional impairment and pecuniary loss

§ 26 — REMOTE ACKNOWLEDGMENT OF COURT RECORDS

Establishes the circumstances under which someone may acknowledge certain court documents remotely

§ 27 — CARE FOR NEGLECTED OR CRUELLY TREATED ANIMALS

Increases, by $5, the daily rate for calculating the return of certain bonds when there is a specific court finding about neglected or cruelly treated animals; establishes confidentiality protections for an animal's new owner

§§ 28 & 43 — DOG BITE RESPONSE PROCEDURES

Generally replaces the prior dog bite response law with provisions that (1) establish new procedures for owners, keepers, ACOs, police officers, and injured persons and (2) specify factors an ACO must consider in deciding whether to issue an order to restrain or dispose of a biting or attacking dog

§ 29 — JUDGMENT LIENS AND THE FORECLOSURE MEDIATION PROGRAM

Requires a judgment creditor to inform the judgment debtor about the foreclosure mediation program and gives the judgment debtor the option to participate in the program

§§ 30, 34 & 44 — REPEALERS

Repeals obsolete provisions and makes associated conforming changes

§§ 31-33 — COURTS WITH JURISDICTION OVER FOIA-RELATED MATTERS

Allows FOIA-related matters to be brought before the court in the judicial district where the subject public agency is located, instead of in the New Britain Superior Court

§§ 35 & 36 — PREJUDGMENT REMEDY AND JUDGMENT CREDITOR DISCOVERY

Prohibits compelling disclosure of information of clients of an individual or entity that provides professional services, when doing so would violate the law and professional rules

§§ 37-39 — CIVIL PROCESS

Replaces the terms "domestic corporation" and "foreign corporation" with similar terms that expand the types of business entities to which certain civil process provisions apply; creates an exception from the general rule of where civil process should be returned when the plaintiff is a domestic business organization, by giving it an option based on the location of its office or place of business

§§ 40 & 41 — LIABILITY FOR DOG'S DAMAGE

Generally makes a dog's owner, keeper, or both, liable for damages the dog causes to another person or property

§ 42 — AUTOMATED CRIMINAL ERASURE PROCESS

Requires any agency holding records subject to the automated criminal record erasure processes to assist DESPP in carrying out the automated processes for erasure and provide all necessary information to DESPP

SUMMARY: This act makes various unrelated changes in laws on court procedures and operations.

Among other things, it also generally replaces the prior dog bite response statute with provisions that (1) establish new procedures for owners, keepers, animal control officers (ACOs), police officers, and injured people; (2) specify factors an ACO must consider in deciding whether to issue an order to restrain or dispose of a biting or attacking dog; and (3) set certain procedural deadlines.

Additionally, it requires state agencies to help the Department of Emergency Services and Public Protection carry out its automatic criminal record erasure process and provide it with all necessary information.

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

EFFECTIVE DATE: Upon passage, unless stated otherwise below.

§ 1 — NONDISCRIMINATION PROVISIONS IN PUBLIC CONTRACTS

Adds domestic violence victims to the list of people protected under existing nondiscrimination provisions that must be in most state agency, municipal public works, and quasi-public agency project contracts

The act adds domestic violence victims to the list of people with protected status under existing nondiscrimination provisions that must be part of most state agency, municipal public works, and quasi-public agency project contracts. Under existing law, these provisions already apply to various other protected classes (e.g., on the basis of race, age, or disability). They generally require the contractors to agree (1) that, in performing the contracts, they will not unlawfully discriminate or permit discrimination based on a person's status and (2) to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated without regard to their status.

EFFECTIVE DATE: July 1, 2024

§ 2 — COURT REPORTING TO THE DEPARTMENT OF MOTOR VEHICLES

Requires the court to report to the DMV commissioner anyone who willfully fails to comply with remote events and deadlines the court sets for certain motor vehicle infractions and violations

The act requires the court to report to the Department of Motor Vehicles (DMV) commissioner anyone who willfully fails to comply with remote events and court deadlines the court sets for motor vehicle infractions and certain violations. Specifically, this applies to motor vehicle violations under the jurisdiction of the Superior Court's Centralized Infractions Bureau, which is responsible for processing payments and not guilty pleas for these violations.

By law, the court already reports to the DMV commissioner anyone charged with one of these infractions or violations who fails to pay the fine and any additional fee imposed, send in his or her not guilty plea by the answer date, or willfully fails to appear for a mandatory scheduled court appearance.

EFFECTIVE DATE: July 1, 2024

§§ 3, 16 & 19 — ELECTRONIC OATHS AND SIGNATURES

Specifies that (1) affidavits for certain risk warrants, search warrants, and warrants to install a tracking device may be sworn to court officials either in person or electronically if there is simultaneous sight and sound and (2) court officials may electronically sign or verify warrants, warrant-related forms, affidavits, and findings

The act specifies that affidavits establishing the grounds for issuing certain warrants may be sworn to a judge or judge trial referee either in person or electronically with simultaneous sight and sound. This may be done for a (1) risk warrant related to certain risk protection orders against an adult, (2) search warrant, or (3) warrant to install a tracking device.

The act also specifies that warrants, warrant-related forms, affidavits, and findings are types of documents that certain

court officials may electronically sign or verify by computer, fax, or other technology according to the chief court administrator's procedures and technical standards. The law already allows this for any notice, order, judgment, decision, decree, memorandum, ruling, opinion, mittimus, or similar document. As under existing law, the electronically signed or verified document has the same validity and status as a signed or verified paper document.
EFFECTIVE DATE: October 1, 2024

Background — Applicable Warrants

By law, the police or a state's attorney or assistant state's attorney, under limited circumstances, can generally apply to court for a risk protection order prohibiting someone age 18 or older and at imminent risk of injuring themselves or someone else from obtaining or possessing firearms, other deadly weapons, or ammunition. As part of this process, the court can issue a risk warrant for the police to seize these items if the person has them (CGS § 29-38c(a)).

The law also generally allows a state's attorney, assistant state's attorney, or two credible people, under limited circumstances, to apply to court for a (1) search warrant for the police to search a place, thing, or person and seize the property named in the warrant or (2) warrant to install a tracking device and use it to gather evidence of a crime (CGS § 54-33(b) & (c)).

§§ 4-7, 9-15, 17 & 18 — CHIEF COURT ADMINISTRATOR'S DUTIES

Conforms several judicial branch operational statutes to current practice by reassigning responsibilities of the executive committee of superior court judges to the chief court administrator

The act conforms several judicial branch operational statutes to current practice by solely authorizing the chief court administrator, rather than, in most instances, the executive committee of superior court judges, to do the following:

1. appoint family relations personnel (§ 4);
2. appoint juvenile-matter related probation officers, probation aides, clerks, detention personnel, clerical assistants, and other personnel, including supervisory staff (§ 5);
3. establish districts for venue in juvenile matters (§ 6);
4. establish and maintain Support Enforcement Services staff and offices (§ 7);
5. appoint housing mediators (§ 9);
6. designate the number and location of court offices (§ 10);
7. appoint most clerks (§ 11);
8. appoint official court reporters (§ 12);
9. appoint the state-wide bar counsel and assistant bar counsel (§ 13);
10. appoint grievance counsel and investigators (§ 14);
11. establish and maintain schedules of fines for infractions and specific violations handled through the Superior Court's Centralized Infractions Bureau (§ 15);
12. establish the civil penalty for failure to appear for jury service (§ 17); and
13. modify the geographical areas of the superior courts (§ 18).

Additionally, the act authorizes superior court chief clerks (or their designees), rather than superior court judges, to appoint, as they deem necessary, temporary assistant clerks or clerks for the superior court and to discharge them (§ 11(c)). It also eliminates the one-year term limits for state-wide bar counsel, assistant bar counsel, grievance counsel, and grievance investigators (§§ 13 & 14).

§ 8 — SUMMARY PROCESS STAY OF EXECUTION

Replaces prior law's security process for maintaining a stay of execution while appealing a summary process judgment with a similar one

The act replaces prior law's security process for maintaining a stay of execution while appealing a summary process judgment with a similar one to guarantee payment for all rents that may accrue during the appeal.

By law, after a Superior Court judge issues a summary process judgment against a defendant occupying a dwelling unit, the defendant has five days to appeal the decision (i.e., a five-day stay of execution). If the defendant timely appeals, the execution is further stayed until final action, unless, among other things, the defendant fails to comply with the security process (CGS § 47a-35).

Previously, during the five-day appeal period, the defendant had to give the adverse party a surety bond to guarantee

payment for (1) all rents that may accrue during the appeal or (2) if there was no lease, the reasonable value for using and occupying the unit. However, the defendant could file a motion for an order to make payments to the court, which the court had to issue after a hearing, for the reasonable fair rental value of using and occupying the unit during the appeal accruing from the order's date. The courts have also held that a defendant may alternatively file a motion to set the bond, because the law is silent on the precise procedure for setting the bond amount and does not expressly state whether an appeal should be dismissed if no bond is set (see *City of Norwich* v. *Shelby-Posello*, 140 Conn. App. 383 (2012) and *Santander Bank, N.A.* v. *Harrison*, No. NWHCV186003659S, 2019 WL 7498755 (Conn. Super. Ct. Oct. 24, 2019)).

The act replaces these options with the following steps that must be taken by the courts and the parties once an appeal is filed:

1. the chief clerk of the Appellate Court, or his or her designee, must notify the Superior Court that rendered the summary process judgment of its appeal;
2. within 14 days after receiving the notice, the Superior Court must schedule and hold a hearing to guarantee payment for all rents that may accrue during the appeal;
3. after the hearing, the Superior Court may order the defendant to deposit with the court an amount equal to (a) the defendant's portion of the last-agreed upon rent for the dwelling unit or (b) if there was no lease, the reasonable value for using and occupying it that may accrue; and
4. after the hearing the Superior Court must order the defendant to deposit with the court payments for the reasonable fair rental value of using and occupying the premises during the appeal accruing from the date of the order.

As for deposit orders under prior law, the orders under the act must allow the amount to be paid in monthly installments, as it becomes due. Additionally, if any portion of the defendant's rent is being paid to the plaintiff by a housing authority, municipality, state agency, or similar entity, the defendant only needs to deposit an amount equal to the defendant's portion of the rent.

EFFECTIVE DATE: July 1, 2024

§ 20 — VICTIM INFORMATION TO BAIL COMMISSIONERS

Requires police officers to give bail commissioners or intake assessment and referral specialists a crime victim's identifying information

Regardless of the Freedom of Information Act (FOIA) and certain court procedure statutes, the act requires police officers to give bail commissioners or intake assessment and referral specialists identifying information about the victim of a charged crime or crimes, including the victim's name, address, and phone number, if available, to carry out the commissioner's or specialist's duties. The law already requires them to immediately notify a bail commissioner or intake assessment and referral specialist if an arrested person does not post bail.

EFFECTIVE DATE: July 1, 2024

§ 21 — PLEA AGREEMENT VICTIM STATEMENTS

Allows all crime victims to make a statement on any plea agreement before its acceptance by the court instead of just those where the defendant pleas to a lesser offense than what was originally charged

By law and in criminal cases, before the court can accept a plea of guilty or nolo contendere through a plea agreement with the state, it must allow victims of the crime to appear before the court to make a statement for the record or submit a written statement, which may include the victim's opinion on the plea agreement. Prior law limited this to cases where the defendant pled to a lesser offense than what was originally charged. The act removes this condition, allowing all victims to make statements.

EFFECTIVE DATE: July 1, 2024

§ 23 — CONNECTICUT ADVISORY COUNCIL FOR CRIME VICTIMS

Increases the membership of the Connecticut Advisory Council for Victims of Crime from 15 to 20; specifies that members may represent victims of gun violence

The act increases the membership of the Connecticut Advisory Council for Victims of Crime from 15 to 20.

By law, this council recommends to the Office of Victim Services (OVS) program legislative or other matters to improve victim services and develop and coordinate needs assessments. It must meet at least four times a year. The council's

members are appointed by the chief justice and must include the chief victim compensation commissioner, representatives of the judicial and executive branch agencies involved with crime victims, and members who represent victim populations.

Under existing law, the represented victim populations expressly include homicide survivors and victims of family violence, sexual assault, drunk drivers, and assault and robbery. The act includes gun violence victims as a represented victim population.

EFFECTIVE DATE: July 1, 2024

§§ 22, 24 & 25 — OVS VICTIM COMPENSATION PROGRAM

Extends by one year the time limit for applying to the OVS victim compensation program; allows emotional harm victims to use the compensation for security measures; expands permitted victim compensation for emotional impairment and pecuniary loss

The act makes several changes to the OVS victim compensation program.

Victim Compensation Program (§ 25)

Generally, to be eligible for victim compensation under prior law, all of the following conditions had to be met:

1. the application had to be made within two years after the date of the personal injury or death;
2. the personal injury or death was due to specified incidents or offenses; and
3. the incident or offense was reported to the police within five days after it occurred or within five days after when a report could reasonably have been made, with certain exceptions for sexual assault victims.

The act extends the application deadline to three years after the injury or death and eliminates the five-day window for reporting the incident or offense to the police.

Additionally, the act expands what compensation may be used for in cases limited to emotional harm only. Under prior law, it could only be used for medical and mental health care. The act allows it to also be used for security measures.

Victim Compensation for Emotional Harm and Pecuniary Loss (§§ 22 & 24)

By law, certain crime victims may receive compensation for personal injury, including emotional harm. Under prior law, eligible "emotional harm" had to be a mental or emotional impairment that (1) required treatment through services and (2) was directly attributable to a threat of physical injury or death to the affected person. The act removes the requirement that the impairment need treatment through services.

The act also expands permitted victim compensation by allowing payment for pecuniary loss to an injured victim or an injured or deceased victim's relatives or dependents for attending Psychiatric Security Review Board hearings related to the criminal case of the person charged with committing the crime that resulted in the victim's injury or death.

Existing law already allows compensation for similar pecuniary losses for attending court proceedings, juvenile proceedings, and Board of Pardons and Paroles hearings. OVS or a victim compensation commissioner may order this payment.

EFFECTIVE DATE: July 1, 2024

§ 26 — REMOTE ACKNOWLEDGMENT OF COURT RECORDS

Establishes the circumstances under which someone may acknowledge certain court documents remotely

The act establishes the circumstances under which someone may acknowledge certain court documents remotely.

Remote Acknowledgement in the State

Except when prohibited (see below), the act allows acknowledgement of a document by someone who is not in the physical presence of a commissioner of the Superior Court at the time of the acknowledgment if certain conditions are met. To do so, the person and the commissioner must be able to communicate simultaneously, in real time, by sight and sound using communication technology and the commissioner must reasonably identify the person at the time of, and when performing, the remote acknowledgment by certain methods (see below).

Under the act, "communication technology" is an electronic device or process that:

1. allows a commissioner of the Superior Court and a remotely located individual to communicate with each other simultaneously by sight and sound and
2. when necessary and consistent with other applicable law, facilitates communication between a commissioner of the Superior Court and a remotely located person with a vision, hearing, or speech impairment.

A "remotely located individual" is someone not in the physical presence of the commissioner of the Superior Court who takes the above acknowledgment.

The court may use any of the following methods to reasonably identify the person:

1. personal knowledge of the person's identity;
2. an unexpired government-issued identification document or record that has the person's photograph, name, and signature (e.g., a driver's license, government-issued identification card, or passport);
3. oath or affirmation by a credible witness who is (a) in the physical presence of either the commissioner or the person; or (b) able to communicate in real time with the commissioner and the person by sight and sound through an electronic device or process at the time of the acknowledgment, if the credible witness has personal knowledge of the individual's identity and was reasonably identified by the commissioner by one of these methods; or
4. at least two different types of identity proofing processes or services (i.e., a process or service for a third person to give a way to verify a remotely located individual's identity by reviewing personal information from public or private data sources).

Acknowledgement Outside of the State

Under the act, when the person seeking remote acknowledgement is physically located outside of Connecticut or outside the United States, the record being acknowledged must (1) be intended for filing or presentation in a matter before a court, governmental entity, public official, or other entity subject to Connecticut's jurisdiction or (2) not otherwise be prohibited by Connecticut law to be acknowledged outside the state. "Outside the United States" is a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to United States' jurisdiction.

Acknowledgment Completed

Once the acknowledged record is signed by the person under the procedures above, the person must mail or otherwise cause to be delivered the signed original copy of it to the commissioner of the Superior Court.

The act specifies that the date and time of an acknowledgment conducted is the date and time when the commissioner witnessed the signature being performed through communication technology.

Court's Authority

The act specifies that it does not affect the authority of a commissioner of the Superior Court to refuse to take an acknowledgment or require a commissioner of the Superior Court to take an acknowledgment:

1. with respect to an electronic record,
2. for an individual not in the commissioner's physical presence, or
3. using a technology that the commissioner did not select.

Documents Prohibited From Remote Acknowledgment

The act prohibits the remote acknowledgement of a record in the execution of any of the following:

1. a will, codicil, trust, or trust instrument (including the making of any of these documents);
2. health care instructions;
3. designation of a standby guardian;
4. designation of a person for decision-making and certain rights and obligations;
5. a living will;
6. a power of attorney;
7. a self-proving affidavit to appoint a health care representative or for a living will;
8. a mutual distribution agreement;
9. the execution of a disclaimer of property in a decedent's estate or passing under a nontestamentary instrument; or
10. a real estate closing.

The act specifies that the performance of any acknowledgment in the making or execution of any of the above documents is ineffective for any purpose and constitutes a violation of the law that prohibits the practice of law by someone who is not admitted as an attorney.
EFFECTIVE DATE: October 1, 2024

§ 27 — CARE FOR NEGLECTED OR CRUELLY TREATED ANIMALS

Increases, by $5, the daily rate for calculating the return of certain bonds when there is a specific court finding about neglected or cruelly treated animals; establishes confidentiality protections for an animal's new owner

Return of Bond After a Finding of Animal Abuse

By law, animal control officers (ACOs) may (1) take physical custody of any animal they have reasonable cause to believe is in imminent risk of harm and is neglected or cruelly treated in violation of state animal cruelty laws and (2) petition the court to have the animal removed from its owner. Among other things, the court may order that the animal be placed in the care and custody of a private or public agency or person, in which case the owner either relinquishes the animal or pays a $1,000 bond to the person who temporarily has the animal to pay reasonable expenses.

Under the law, if the court finds that the animal was abused it may (1) order the animal to be humanely euthanized (due to injury or disease) or (2) vest ownership of the animal in an agency or person licensed to care for animals. If the court makes this finding within less than 30 days after it issued the order of temporary care and custody and the animal's owner posted a bond, the agency or person with whom the bond was posted must return the balance of the bond, if any, to the owner.

Under prior law, the amount of the bond to be returned was calculated at $15 per day, per animal, or $25 per day, per animal, if the animal was a horse or other large livestock, for the number of days less than 30 that the agency or person did not have temporary care and custody of the animal, less any veterinary costs and expenses. The act increases the daily rate by $5, making it a rate of $20 and $30, respectively.

Confidentiality Protection of the New Owner

By law, if the court vests ownership of the animal in the Department of Agriculture (DoAg) commissioner or a municipality, they may publicly auction the animal, sell it through an open advertised bid process, or vest ownership of it in an individual or a nonprofit animal rescue or adoption organization.

Under the act, any record with the name, address, or other personally identifying information of the animal's new owner must be exempt from disclosure under state law, but it may be disclosed under a subpoena.
EFFECTIVE DATE: October 1, 2024

§§ 28 & 43 — DOG BITE RESPONSE PROCEDURES

Generally replaces the prior dog bite response law with provisions that (1) establish new procedures for owners, keepers, ACOs, police officers, and injured persons and (2) specify factors an ACO must consider in deciding whether to issue an order to restrain or dispose of a biting or attacking dog

The act (1) generally replaces the prior laws that apply to biting or attacking animals in terms of the circumstances under which they may be killed and who may do so; (2) establishes new procedures for owners, keepers, ACOs, police officers, and injured persons; and (3) specifies factors an ACO must consider in deciding whether to issue an order to restrain or dispose of a biting or attacking dog.

Biting or Attacking Animals

First, the act generally eliminates prior law's provisions for an owner or his or her agent, ACOs, and police officers to kill a dog observed pursuing or worrying a domestic animal or poultry. It instead allows these individuals, as well as the animal's or poultry's keeper or his or her agent, to kill any dog biting, attacking, or pursuing the owner's or keeper's animal or poultry.

Secondly, the act also eliminates prior law's provisions requiring the chief ACO or an ACO to kill any dog worrying or pursuing a deer. Instead, it specifically allows any municipal, regional, or other DoAg-appointed ACO to do so while the dog is biting, attacking, or pursuing the deer. Under existing law, police officers and Department of Energy and

Environmental Protection-appointed conservation officers are also allowed to kill the dog under these circumstances; and its owner or keeper would be guilty of a class A misdemeanor (see Table on Penalties).

Lastly, the act allows a person to kill a dog, cat, or other animal if he or she is not on the owner's or keeper's premises and is protecting himself or herself or another person or animal from physical harm while being bitten or attacked by the dog, cat, or other animal.

By law, anyone who kills these animals in keeping with state law is not criminally or civilly liable for doing so.

Complaint to an ACO

Under the act, anyone who kills a dog, cat, or other animal under the circumstances described above must make a complaint about the circumstances of the attack to a municipal or regional ACO of the town where the attack occurred (i.e., the municipal ACO appointed by the municipality or any regional ACO in the towns that agree to be served by regional officers). The ACO who receives the complaint must investigate the circumstances of the attack set forth in the complaint and report them to the chief state ACO.

Investigation and Order Whether to Restrain or Dispose of Dog

Under the act, if, after an investigation, an ACO (i.e., municipal, regional, or others appointed by DoAg) determines that a person was bitten or attacked by a dog, the officer may make any order on the dog's restraint or disposal needed to protect public health and safety.

Factors to Consider. In determining the type of order to issue or restraint conditions to impose, the ACO must consider factors including the following:

1. the ability of the dog's owner or keeper, if any, to control it;
2. the severity of the injury the dog inflicted;
3. the viciousness of the bite or attack;
4. any history of the dog's past bites or attacks;
5. whether the bite or attack occurred at a location that is off of the owner's or keeper's property;
6. whether the dog was provoked; and
7. whether the dog was protecting its owner or keeper from physical harm.

Provisions Applying to Restraint or Disposal Orders Issued Under the Act

The act requires the following provisions to apply to any restraint or disposal order issued under the act. The act cites to the health and safety of both the public and animals for its provisions.

Effective Date. Whenever an order requires the restraint of an animal, it is effective upon its issuance and remains in effect during an appeal.

Physical Custody of Animal. Whenever an order requires the animal's disposal, the issuing officer must take physical custody and keep the animal during any appeal of the order.

The Order. The act requires a copy of the issued order to be delivered within the next 24 hours to the (1) owner or keeper of the biting or attacking animal and (2) victim or owner or keeper of the bitten or attacked animal. The order must include a statement informing the owner or keeper of the biting or attacking animal of their right to appeal the order.

Pre-Appeal Meeting and Statement. Under the act, within 15 days after the order is issued by the municipal or regional ACO, the municipality in which the attack occurred must offer, in writing, a pre-appeal meeting to the dog owner to determine if the order is in dispute. This may include the animal's owner or keeper and the person who was bitten or attacked, or the owner or keeper of the bitten or attacked animal.

At the meeting the owner or keeper of the animal subject to the order and their legal counsel, if any, the ACO issuing the order, and the ACO's appointing authority, or their designee, may stipulate to an alternate order. All settlement discussions that occur during this meeting are confidential and protected from disclosure under state law. The act requires pre-appeal meetings to be concluded within 30 days after the order's date.

Within 24 hours after the pre-appeal meeting, the municipality must give a statement about the meeting to the (1) owner or keeper of the animal subject to the order and (2) victim or the owner or keeper of the animal that was bitten or attacked. The statement must include only the names of the attending parties, the meeting date, and whether the order was modified.

Fees. The act requires the owner or keeper of an animal subject to an order to pay all fees under state law (including the redemption fee established by the municipality, which must not exceed $15, advertising costs, and related costs of detention and care). If the owner or keeper fails to comply with a restraint order, an ACO may seize the animal before or during the appeal, and until it is complete, to ensure compliance. The owner is responsible for any expenses due to the

seizure.

Final Order. Once the order becomes a final order or judgment, it is enforceable statewide and any ACO may enforce it.

Violation and Penalty. The act makes an owner or keeper of an animal subject to a final order or judgment who is noncompliant guilty of a class D misdemeanor (see Table on Penalties).

Appeal to Superior Court. Under the act, any person aggrieved by an order of the DoAg commissioner or an ACO may appeal to the Superior Court of the judicial district where he or she lives, but must generally do so within 45 days after the order's issuance. However, if the aggrieved person participates in a pre-appeal meeting, then the time to appeal runs from the meeting statement's issuance date (see above).

Damage to Other Animals

Under the act, a person who sustains damage or physical injury to his or her poultry, ratite (e.g., ostrich or emu), domestic rabbit, animal, or livestock by a biting or attacking dog must make a complaint about the circumstances of the bite or attack to the municipal or regional ACO for the town where it occurred. Prior law allowed the complaint to be made to the chief ACO, any ACO, or the town or regional ACO for the town in which the biting or attacking dog is owned or kept. By law, unchanged by the act, the ACO who receives the complaint must immediately investigate it. The act specifically requires this officer to also investigate the circumstances of the attack described in the complaint and report them to the chief state ACO.

If, after the investigation, the ACO determines that an animal was bitten or attacked by a dog, the ACO or the chief state ACO may make any order about the dog's restraint or disposal needed to protect public health and safety and the health and safety of animals.

In determining the type of order to be issued or restraint conditions to be imposed, the ACO must consider at least the same factors above that must be considered when a dog is alleged to have bitten a person. Except, the ACO must also, in considering whether the bite or attack occurred at a location not on the owner's or keeper's property, consider whether the attacked animal was under the control of its owner or keeper or on its owner's or keeper's property.

Military, Law Enforcement, and Service Animals

The act creates exemptions from the act's dog bite provisions for military or law enforcement animals and service animals.

First, it exempts any dog or other animal owned by the U.S. military or a federal, state, or local law enforcement agency when it (1) is owned by or in the custody and control of the agency; (2) is under the direct supervision, care, and control of an assigned handler; (3) is vaccinated for rabies; and (4) has routine veterinary care.

It similarly exempts any service animal owned by or in the custody and control of a person with a disability when it (1) is under that person's direct supervision, care, and control; (2) is vaccinated for rabies; and (3) has routine veterinary care.

Under the act, a (1) "disability" is a physical, intellectual, mental, or learning disability, or any combination of them, and (2) "service animal" is the same as under federal law (generally, a dog trained to work or perform tasks to benefit someone with a disability, including an animal in training).

Lastly, the act repeals PA 24-18, § 9, which generally would have (1) changed the exemption from restraint or disposal orders so that it applied to service animals instead of guide dogs and (2) conflicted with this act's provisions that apply to any restraint or disposal order issued under the act.

EFFECTIVE DATE: October 1, 2024, except the repeal of PA 24-18, § 9, is effective upon passage.

§ 29 — JUDGMENT LIENS AND THE FORECLOSURE MEDIATION PROGRAM

Requires a judgment creditor to inform the judgment debtor about the foreclosure mediation program and gives the judgment debtor the option to participate in the program

Notification of the Mediation Program

By law, a judgment lien on real property may be foreclosed or redeemed in the same way as a mortgage.

For a consumer judgment, the complaint must state whether the court has entered a stay of execution and, if so, allege any default on an installment payment order that is a precondition to foreclosure. The act further requires the judgment creditor to notify the judgment debtor about the Ezequiel Santiago Foreclosure Mediation Program (see *Background* —

Foreclosure Mediation Program) by attaching, in the form the chief court administrator prescribes, to the front of the writ, summons, and complaint served on the judgment debtor a:

1. copy of the notice of foreclosure mediation,
2. copy of the foreclosure mediation certificate form, and
3. blank appearance form.

The act requires that the notice of foreclosure mediation instruct the judgment debtor to file the appearance and foreclosure mediation certificate forms with the court within 15 days from the return date for the foreclosure action.

Participation in the Mediation Program

Under the act, if the judgment debtor chooses to participate in, and the court orders the case assigned to, the foreclosure mediation program, the:

1. judgment debtor has the rights and assumes the obligations of a mortgagor under the mediation program and
2. judgment creditor has the rights and assumes the obligations of a mortgagee under the program, except that it does not need to give the mortgage-specific information set in state law and instead must furnish a copy of the underlying judgment and an accounting of current interest and other charges incurred during the period set in existing law.

EFFECTIVE DATE: October 1, 2024

Background — Foreclosure Mediation Program

The state's foreclosure mediation program aims to help certain borrowers and lenders reach an agreed-upon resolution of a mortgage foreclosure action by having state judicial branch employees work as mediators. It is not mandatory for borrowers, but if an eligible person files a court appearance and requests mediation, the lender must participate. The legislature established the program in 2008 and it runs until June 30, 2029, after which the court may not accept new requests. The program ends when the mediation of all timely submitted requests concludes (CGS § 49-31k et seq.).

§§ 30, 34 & 44 — REPEALERS

Repeals obsolete provisions and makes associated conforming changes

The act repeals obsolete provisions and makes associated conforming changes. Specifically, it removes provisions:

1. on the rules of the court (§ 34),
2. that allow Superior Court judges to determine when the clerk's offices are open for business (§§ 30 & 44), and
3. that authorize each criminal session to hear civil matters after concluding criminal business or during a recess of the court (§ 44).

EFFECTIVE DATE: July 1, 2024

§§ 31-33 — COURTS WITH JURISDICTION OVER FOIA-RELATED MATTERS

Allows FOIA-related matters to be brought before the court in the judicial district where the subject public agency is located, instead of in the New Britain Superior Court

By law, the Freedom of Information Commission (FOIC) must, subject to the Freedom of Information Act (FOIA), promptly review an alleged FOIA violation and issue an order on the violation. It may investigate alleged violations, hold related hearings, and examine and subpoena witnesses, among other things.

Under existing law, if someone refuses to comply with the subpoena or to testify on any matter on which he or she may be lawfully interrogated, FOIC may apply to the court for an order requiring compliance. The act allows FOIC to apply to the Superior Court in the judicial district where the subject public agency is located, instead of the New Britain Judicial District as under prior law.

The act also makes corresponding changes in provisions on jurisdiction over other FOIA-related matters that may be brought before the court. Under these statutes:

1. FOIC may apply to the court for an order requiring a public agency to pay a particular penalty if they failed to do so,
2. an aggrieved party may petition the court for an order requiring FOIC to hear its appeal, and
3. an aggrieved party may petition the court to reverse an FOIC decision to provide relief to an agency regarding a vexatious requester.

In these additional FOIA-related matters the petitions are to be submitted to the court in the judicial district where the public agency is located rather than the New Britain Judicial District, as under prior law.

The act also removes obsolete references to FOIA actions in a law that addresses which court has jurisdiction over certain matters (§ 33).

EFFECTIVE DATE: October 1, 2024

§§ 35 & 36 — PREJUDGMENT REMEDY AND JUDGMENT CREDITOR DISCOVERY

Prohibits compelling disclosure of information of clients of an individual or entity that provides professional services, when doing so would violate the law and professional rules

Regardless of statutory provisions allowing for disclosure orders as part of the process to satisfy a prejudgment remedy or a judgment creditor to obtain discovery and serve interrogatories, the act prohibits any party from compelling disclosure of the names and addresses of clients of an individual or entity that provides professional services (see below), when doing so would violate state or federal law, or the applicable rules of professional conduct governing the profession involved.

By law, a "prejudgment remedy" enables a person by way of attachment, foreign attachment, garnishment, or replevin to deprive the defendant in a civil action of, or affect the use, possession, or enjoyment by the defendant of, his or her property before final judgment, but excludes a temporary restraining order (CGS § 52-278a).

The law allows a judgment creditor to obtain discovery from, and serve interrogatories on, the judgment debtor or from a third party the judgment creditor reasonably believes, in good faith, may have the judgment debtor's assets or from any financial institution, as allowed, on matters related to satisfying the money judgment.

Professional Services

Under the law and the act, "professional services" are any type of service to the public that requires members of a profession rendering the service to first get a license or other legal authorization. This includes the professional services of architects and professional engineers (individually or jointly), landscape architects, certified public accountants and public accountants, land surveyors, attorneys, psychologists, licensed marital and family therapists, licensed professional counselors, licensed clinical social workers, dentists, naturopaths, chiropractors, physicians and surgeons, physician assistants, doctors of dentistry, physical therapists, occupational therapists, podiatrists, optometrists, nurses, nurse-midwives, veterinarians, pharmacists, real estate brokers, and insurance producers (CGS §§ 4e-1(20) & 33-182a(1)).

EFFECTIVE DATE: October 1, 2024

§§ 37-39 — CIVIL PROCESS

Replaces the terms "domestic corporation" and "foreign corporation" with similar terms that expand the types of business entities to which certain civil process provisions apply; creates an exception from the general rule of where civil process should be returned when the plaintiff is a domestic business organization, by giving it an option based on the location of its office or place of business

Civil Process Definitions (§ 37)

The act modifies several business organization definitions that apply to the state's civil process laws. Principally, it replaces the terms "domestic corporation" and "foreign corporation" with, respectively, "domestic business organization" and "foreign business organization." In doing so, the act expands the types of business entities to include, in addition to corporations, sole proprietorships, partnerships, limited liability companies, associations, firms, and other forms of businesses or legal entities. As under prior law, under the act, these entities are considered domestic or foreign depending on the law under which they are organized or incorporated. Domestic business organizations are organized or incorporated under Connecticut law, while foreign business organizations are incorporated under the laws of another state or foreign

government.

The act also eliminates the term "United States corporation," which under prior law was any corporation incorporated under U.S. laws.

Civil Process for Business Organizations (§§ 38 & 39)

Under prior law and the act, with certain exceptions, civil process actions by a corporation ("domestic" or "foreign business organization" under the act) must be made returnable as described below. The act generally maintains prior law's guidelines on where civil process must be made returnable based on whether the plaintiff or defendant is a domestic or foreign business or a Connecticut resident.

The act makes an exception by giving domestic business organizations the option of where civil process must be returned depending on the location of their office or business. It also makes a conforming change regarding return of process in small claims matters.

Plaintiff is a Domestic Business Organization (§ 38)

Generally, if the plaintiff is a domestic business organization and the defendant is a resident, civil process must be returnable either to the judicial district where the (1) plaintiff has an office or place of business or (2) defendant lives. And if the plaintiff is a domestic business organization and the defendant is a domestic or foreign business organization, civil process must be returnable to the judicial district where the (1) plaintiff has an office or place of business, (2) injury occurred, (3) transaction occurred, or (4) property is located or lawfully attached.

The act establishes an exception by giving the domestic business organization, as plaintiff, the option of where the civil process may be returned based on the town where the organization's office or place of business is located, as shown in the table below.

Plaintiff's (Domestic Business Organization's) Option of Judicial District

Under the Act, Location of Plaintiff's Office or Place of Business	***Judicial District (Plaintiff's Option)***
Manchester, East Windsor, South Windsor, or Enfield	Hartford or Tolland
Plymouth	New Britain or Waterbury
Bethany, Milford, West Haven, or Woodbridge	New Haven or Ansonia-Milford
Southbury	Ansonia-Milford or Waterbury
Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport, or Wilton	Stamford-Norwalk or Bridgeport
Watertown or Woodbury	Waterbury or Litchfield
Avon, Canton, Farmington, or Simsbury	Hartford or New Britain
Newington, Rocky Hill, or Wethersfield	Hartford or New Britain (except for actions where venue is in the Superior Court geographical area as set in law or court rules)
Cromwell	Hartford or Middlesex
New Milford	Danbury or Litchfield
Windham or Ashford	Windham or Tolland

Plaintiff is a Foreign Business Organization (§ 38)

As under prior law for foreign corporations, under the act, if the plaintiff is a foreign business organization and the defendant is a resident, service must be returnable to the judicial district where the defendant lives. If the defendant is a domestic or foreign business organization, service must be returnable to the judicial district where the (1) injury occurred, (2) transaction occurred, or (3) property is located or lawfully attached.

Small Claims Matters (§ 39)

The act makes a conforming change related to the definition expansion of corporations subject to the civil process for small claims matters. Under prior law, if the plaintiff was a corporation or a limited liability company, civil process had to be made returnable to a Superior Court facility the chief court administrator designated to serve the small claims area where the defendant resided or did business or where the transaction or injury occurred. Under the act, this is also the case if the plaintiff is a sole proprietorship, partnership, corporation, association, firm, or other form of business or legal entity organized or incorporated in Connecticut, another state, or a foreign country.
EFFECTIVE DATE: October 1, 2024

§§ 40 & 41 — LIABILITY FOR DOG'S DAMAGE

Generally makes a dog's owner, keeper, or both, liable for damages the dog causes to another person or property

Under prior law, a dog's owner or keeper was liable for damage the dog caused to a person's body or property, unless the injured person was trespassing or committing another tort or was teasing, tormenting, or abusing the dog. The act instead makes a dog's owner, keeper, or both, liable for the damage (i.e., they are jointly and severally liable). (This is a strict liability statute, meaning it does not require the victim to prove that the owner or keeper (1) knew that the dog was vicious or (2) was otherwise negligent.)

Under the law, unchanged by the act, if the dog's owner or keeper is a minor, his or her parent or guardian is liable for the damage. The law presumes that (1) anyone under age seven was not trespassing or teasing the dog unless the defendant can prove otherwise and (2) a member of a law enforcement officer's household where the officer keeps a dog assigned to him or her by the town, state, or federal government is not the dog's keeper.

Additionally, by law, a dog's owner or keeper must have it on a leash when near a person accompanied by a service animal and not on the owner's or keeper's property. The act also makes the owner, keeper, or both liable if the dog attacks and injures a service animal under these circumstances. Under prior law, the owner or keeper, but not both, was liable for the damages.
EFFECTIVE DATE: October 1, 2024

Background — Related Law

By law, if two or more dogs caused damage at the same time and they are kept by more than one person, the dogs' owners or keepers are jointly and severally liable for the damage (CGS § 22-356).

§ 42 — AUTOMATED CRIMINAL ERASURE PROCESS

Requires any agency holding records subject to the automated criminal record erasure processes to assist DESPP in carrying out the automated processes for erasure and provide all necessary information to DESPP

Existing law requires the Department of Emergency Services and Public Protection (DESPP), in consultation with the judicial branch and the Criminal Justice Information System (CJIS) Governing Board, to develop and implement automated processes for criminal record erasure (see *Background — Automatic or Petition Process for Criminal Record Erasure*). The act requires any agency holding records subject to the automated processes for erasure to assist DESPP in carrying out the processes and give all necessary information to DESPP. This specifically applies, but is not limited, to the Department of Correction, Division of Criminal Justice, judicial branch, and the CJIS Governing Board.

Background — Automatic or Petition Process for Criminal Record Erasure

Existing law provides for record erasure of most misdemeanor convictions and certain felony convictions after a specified period following the person's most recent conviction. The erasure generally applies to (1) related police, court, and prosecutor records (including those from any prosecuting grand jury) and (2) records held by the Board of Pardons and Paroles regarding court obligations arising from the conviction. Generally, the law provides for (1) automatic erasure for eligible offenses that occurred on or after January 1, 2000, or (2) erasure upon the person's filing of a petition for earlier offenses.

PA 24-111—sSB 428
Judiciary Committee

AN ACT CONCERNING BUSINESS REGISTRATIONS FILED WITH THE SECRETARY OF THE STATE

TABLE OF CONTENTS:

§§ 50-52 — CONNECTICUT BUSINESS REGISTRY

Makes changes to the Connecticut Business Registry regarding authenticating and verifying data, fraud prevention, requirements for registered agents, and penalties for committing prohibited actions

BACKGROUND

SUMMARY: This act makes various changes in laws that govern certain business entities operating in the state. Among other things, the act also expands the trade name law, expands the authority of the secretary of the state (SOTS), and makes changes to the Connecticut Business Registry.

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2025, unless stated otherwise below.

§§ 1-7 & 10-21 — NAICS CODE AND EMAIL REQUIREMENT

Expands the information certain business entities must include in their filings with SOTS to include valid email addresses and their NAICS code

The act requires business entities filing the documents listed in the following table to include a valid email address and their North American Industry Classification System (NAICS) code (i.e., a six-digit, hierarchical coding system that classifies economic activity into 20 industry sectors). As the table indicates, prior law already required the annual report filings to include a NAICS code and most other documents to include an email address if the entity has one. The act instead requires all of the documents to include both.

Prior Requirements to Include Email Addresses and NAICS Codes in Specified Business Filings

Business Filings Covered Under the Act	*Prior Law*	
	Email Address	*NAICS Code*
Corporation and nonstock corporation incorporation certificates	Not required	Not required
Foreign corporation and nonstock foreign corporation applications for certificates of authority	Required, if any	Not required
Limited Partnership (LP) certificates	Required, if any	Not required
Foreign LP registration applications and annual reports	Required, if any	Not required
Limited Liability Company (LLC) certificates of organization	Required, if any	Not required
Foreign LLC registration certificates	Required, if any	Not required
Limited Liability Partnership (LLP) certificates	Required, if any	Not required
Foreign registered LLP certificates of authority	Required, if any	Not required
Statutory trust certificates	Not required	Not required
Foreign statutory trust registrations	Not required	Not required
Annual reports for LPs, most domestic corporations, foreign corporations, LLCs, registered foreign LLCs, registered LLPs, and foreign registered LLPs	Required, if any	Required

The act also makes minor and conforming changes.

§§ 5 & 6 — LP'S CERTIFICATE AND ANNUAL REPORT

Eliminates the need to include the latest date of dissolution in an LP's certification; requires the annual reports to include the general partner's name and business address

The act eliminates the prior requirement that an LP include the latest date upon which it is to dissolve in order to get a certificate of limited partnership. It also requires each LP's annual report to include the general partner's name and business address.

§§ 7-9 — ELIMINATION OF SWORN DOCUMENTS

Eliminates the need for certain business documents to be sworn to by a general partner

The act eliminates the requirement that specified LP business filings be sworn to by a general partner. It applies to foreign LP registration applications, amendments, and cancellations. By law, a foreign LP must register with SOTS before transacting business in the state. Prior law required the partnership to submit a signed copy of these documents that was signed and sworn to by a general partner. The act requires the signed documents, but not copies, to be filed.

§§ 12 & 53 — FOREIGN REGISTRATION CERTIFICATE

Requires foreign LLCs to file an authenticated certificate of existence with SOTS when filing or amending their foreign registration certificate

In registering to do business in the state, existing law requires a foreign LLC to deliver a foreign registration certificate to SOTS for filing.

When delivering this certificate to SOTS, the act requires the foreign LLC to also deliver a certificate of existence, or a similar document, duly authenticated by SOTS or another official having custody of corporate records in the state or country where the LLC was formed.

Existing law requires a registered foreign LLC to file an amendment to its foreign registration if there is a change in the company's name or the company's governing jurisdiction. The act requires the LLC to follow the requirements for filing the certificate for getting an amended registration.

§§ 17-21 — AMENDED ANNUAL REPORTS

Requires certain business entities to file an amended annual report with SOTS if certain information changes, and establishes a $25 filing fee

The act requires each corporation (stock and nonstock, but not banks, trust companies, insurance or surety companies, savings and loan associations, credit unions, public service companies, cemetery associations, and incorporated church or religious corporations), foreign corporation, LLC, registered foreign LLC, registered LLP, and foreign registered LLP to file an amended annual report with SOTS if information required in the entity's annual report (except the entity's name) changes after the most current annual report was filed and more than 30 days before the month in which the next annual report is due. The amended annual report must meet the annual report requirements, including the entity's valid email address and NAICS code.

Under the act, the filing fee for an amended annual report is $25.

§§ 22 & 23 — ONLINE SUBMISSIONS OF BUSINESS FILINGS

Renames SOTS's Commercial Recording Division as the Business Services Division and the Records and Legislative Services Division as the Legislation and Elections Administration Division; allows SOTS to require the online filing of documents under certain circumstances

The act renames SOTS's Commercial Recording Division as the Business Services Division. It also renames the Records and Legislative Services Division as the Legislation and Elections Administration Division.

The act explicitly authorizes SOTS to accept document filings and data over the Internet, rather than by telecopier or other electronic media. By law, unchanged by the act, the secretary may establish rules, fee schedules, and regulations for document filings. The act specifies that these rules, fee schedules, and regulations are for filings with SOTS's Business Services Division.

The act also authorizes SOTS to (1) require any Business Services Division filing to be submitted online and (2) allow paper filings of documents and data if the filer establishes to the secretary's satisfaction that online submission is impractical.

§§ 24-33 — SOTS EMAIL NOTIFICATIONS

Makes email the mode of communication that SOTS must use to perform certain actions the secretary is authorized to take (e.g., a corporation's dissolution)

The act makes email the mode of communication that SOTS must use for certain notices. Under prior law, these communications had to be sent by regular, first-class, registered, or certified mail, as applicable.

The act's changes apply to the notices and documents the law requires SOTS to send to the various entities, as applicable, relating to annual reporting delinquencies, failure to maintain a registered or statutory agent for service, administrative dissolutions; revocations of certificates of authority; or cancellations or dissolutions by forfeiture.

Under the act, SOTS must send the specified notifications and documents to the pertinent entity's latest email address shown on the secretary's records.

§§ 34-39 & 54-56 — TRADE NAMES

Expands the trade name law to, among other things, standardize the application form and limits the validity of a trade name to five years at a time

In Connecticut, a "trade name" is the term generally given to an individual doing business under an assumed name, sometimes called "doing business as" or "D/B/A" or sole proprietorship. The act expands the trade name law to, among other things:

1. standardize the application form;
2. limit a name's validity to five years at a time;
3. allow those issued trade names before January 1, 2025, to renew until December 31, 2029;
4. set the fees for towns to charge;
5. establish a renewal and cancellation process;
6. require SOTS to create a new electronic system to process trade name certificate applications;
7. expand the trade name exemption to additional business entities that transact business under the name stated in its formation or registration document; and
8. make conforming changes.

As prior law generally did, with exceptions the act prohibits anyone from transacting business in the state under an assumed or fictitious name or under any designation, name, or style, corporate or otherwise, other than the real name or names of the person or individuals transacting the business without a trade name certificate. It also makes conforming changes.

Application (§§ 34 & 39)

The act standardizes the trade name application by requiring it to be filed on a SOTS-prescribed form. By law, unchanged by the act, the application must be made to the town clerk's office in the town where the business is, or will be, principally transacted. The act also makes separate applications for a natural person and business entity and requires additional information.

Natural Persons. An application filed by a natural person or a group of natural persons must include the (1) name under which the business is, or will be, transacted; (2) business's physical address in the town of filing; (3) business's valid email address; and (4) full name and physical and valid email address of each person transacting the business.

Business Organization. The application filed by a business organization must include the:

1. name under which the business is, or will be, transacted;
2. business organization's SOTS-provided business identification number;
3. business organization's name and principal business address on file with SOTS; and
4. business organization's principal business address and email address.

Under the act, a "business organization" means any corporation, LP, LLP, or LLC on record with SOTS.

The act requires a trade name certificate application to be executed by each natural person filing the application or, in the case of a business organization, by an authorized officer of the business organization. Applications must be acknowledged before an authority qualified to administer oaths. Under the act, the trade name application fees are $20 each.

Validity (§ 34)

The act requires town clerks to issue a trade name certificate upon accepting an application filed under this provision. The certificate is valid for five years from the issuance date. But, under the act, a trade name certificate issued before January 1, 2025, expires on December 31, 2029, unless it is renewed under the act's provisions (see below). These trade names may be renewed at any time before the expiration date, and the renewed trade name is valid for five years from when the town clerk accepts the renewal.

Renewal, Amendment, and Cancellation (§§ 35 & 39)

The act allows trade name certificates to be renewed between six months before the certificate expires and the expiration date. A renewal application must be on a SOTS-prescribed form and provide the information required in the application form (see above). Upon accepting the renewal application, the town clerk must issue a new certificate, which is valid for five years from the previous certificate's expiration date.

The filer may (1) amend any information in an original application for a certificate or renewal at any time before the certificate expires and (2) cancel a certificate before it expires by filing a cancellation with the town clerk where the original application was filed.

Under the act, the trade name renewal, amendment, and cancellation fees are $20 each, payable to the town clerk.

Alphabetical Index and SOTS Electronic System (§ 36)

The law requires each town clerk to keep an alphabetical index of trade names. The act specifies that the town clerks index the certificates they issued, as well as the trade name applications filed by natural individuals and business organizations.

Prior law required SOTS to create an electronic system to collect from each town clerk the trade name information required by law. The act instead requires SOTS to create an electronic system to process applications for trade name certificates. It requires the system to allow statewide public searching of trade name certificate information.

Under the act, town clerks using the system are deemed compliant with the index requirement. Starting January 1, 2026, the act allows SOTS to require town clerks to use the electronic system.

Presumptive Evidence (§ 37)

Under prior law and the act, a copy of any trade name certificate the issuing town clerk certifies is presumptive evidence in all state courts of the facts the certificate contains. Neither prior law's nor the act's trade name provisions prevent the lawful use of a partnership name or designation if it includes the true surname of at least one of the individuals in the partnership.

Exemptions (§ 37)

The act expands the business entities that are exempt from the trade name law by exempting SOTS-registered LLPs, corporations, and statutory trusts. As under prior law, domestic or foreign limited partnerships and LLCs are also exempt. The entity must transact business under the name stated in its formation or registration document, as applicable, filed with SOTS.

Trade Name Determination (§ 37)

The act specifies that it does not require a town clerk to determine that the trade name that is the subject of a trade name certificate issued under the act is unique in the town of filing or any other Connecticut town.

Penalty (§ 37)

Under the act, anyone transacting business in violation of the trade name provisions may be fined up to $500, imprisoned for up to one year, or both. Failing to comply is also deemed a Connecticut Unfair Trade Practices Act violation, as it was under prior law (CUTPA, see BACKGROUND).

Assumed or Fictitious Name in Advertisement (§ 38)

The act generally retains prior law's restrictions on assumed or fictitious names. The act prohibits individuals from using an assumed or fictitious name in any printed advertisement, in order to conduct their business, that includes the name of any municipality in a way suggesting their business is in the municipality unless (1) it is, in fact, located in the municipality or (2) the person includes in the advertisement the complete street address of the location where the business is actually conducted (including the municipality and, if out-of-state, the state).

Anyone violating the advertising provision is deemed to have committed a CUTPA violation. But the provision does not apply to the use of any (1) trademark or service mark registered under federal or state laws; (2) name that, when applied to goods or services of the person's business, is merely descriptive of them; or (3) name that is merely a surname.

The act specifies that it does not impose liability on any publisher that relies on the written assurances of a person placing the advertisement that he or she has the authority to use any assumed or fictitious name.

§§ 40-42, 45 & 47 — ATTORNEY GENERAL ENFORCEMENT AUTHORITY

Establishes a three-year statute of limitations for the attorney general to bring an enforcement action against a business entity that operated without a certificate of authority

By law, any foreign corporation, foreign LLC, foreign registered LLP, or foreign statutory trust is liable to the state for the time it transacted business in the state without a certificate of authority. In such a case, SOTS may generally levy fees, taxes, interest, and penalties.

Under the act, the attorney general must bring any action to enforce this liability within three years after the date SOTS assessed the levy.

EFFECTIVE DATE: Upon passage

§§ 43, 46 & 48 — SOTS STATUTORY AUTHORITY

Gives SOTS express authority to (1) enforce the laws governing LLCs, partnerships, LLPs, and statutory trusts and (2) issue interrogatories to discern compliance

The act expressly gives SOTS the power reasonably necessary to perform the duties required of the secretary by the laws governing LLCs, partnerships, LLPs, and statutory trusts. It also authorizes the secretary to issue interrogatories to discern compliance.

EFFECTIVE DATE: Upon passage

§§ 44 & 49 — INTERROGATORIES

Establishes the requirements for the interrogatories SOTS may issue to certain business entities to determine compliance with the law, specifically regarding the entity's answer; penalties for untimely, untruthful, and incomplete answers; and confidentiality

Compliance With the Uniform Limited Liability Company Act and the Connecticut Statutory Trust Act

The act authorizes SOTS to submit interrogatories to certain business entities as may be reasonably necessary and proper to allow the secretary to determine if the business has complied with the provisions of certain statutes.

Under the act, SOTS may direct these interrogatories to any:

1. LLC (domestic or foreign) subject to the provisions of the Uniform Limited Liability Company Act, and to any of the LLC's members or managers, and
2. statutory trust (domestic or foreign) subject to the provisions of the Connecticut Trust Act and to any of the trustees.

Answer. The answer to the interrogatories must be full and complete and must be made in writing under oath within 30 days after the interrogatories' mailing or within any additional time the secretary allows.

If the interrogatories are directed to (1) an individual, they must be answered by the individual; (2) an LLC, they must be answered by any member or manager; or (3) a statutory trust, they must be answered by a trustee of the trust.

Penalty for Untimely, Untruthful, and Incomplete Answers

The act imposes a penalty of up to $500 for any LLC, LLC member or manager, statutory trust, or trustee that fails or refuses to answer the interrogatories timely, truthfully, and fully.

Confidentiality

Under the act, SOTS's interrogatories and the related answers are not open to public inspection and SOTS may not disclose any facts or information obtained from them, unless the (1) secretary's official duty requires it to be made public or (2) interrogatories or the answers are required for evidence in any criminal proceedings or in any other state action.
EFFECTIVE DATE: Upon passage

§§ 50-52 — CONNECTICUT BUSINESS REGISTRY

Makes changes to the Connecticut Business Registry regarding authenticating and verifying data, fraud prevention, requirements for registered agents, and penalties for committing prohibited actions

The act makes changes related to information that registered business entities must give SOTS for the Connecticut Business Registry.

Under the act, the "Connecticut Business Registry" is the data and filing history of all businesses that form or register with, and are made available to the public on, the state's centralized business website. A "registered business entity" is any corporation, LLC, LLP, LP, statutory trust, or any other business entity on the Connecticut Business Registry.

Authentication and Verification of Submitted Data (§ 50)

The act allows the secretary to verify the data submitted to the Connecticut Business Registry and confirm that it has been transmitted with the authorization of the registered business entity for which it is filed. When verifying the data, the secretary may prevent data submissions that cannot be authenticated and reject these filings. The act also authorizes the secretary to administratively dissolve, forfeit, revoke, or cancel the registered business entity, if she finds that any data submitted cannot be verified.

Fraud Prevention (§ 50)

The act authorizes the secretary to do the following to prevent the fraudulent submission of data to the registry:

1. authenticate the identity of the person submitting a filing;
2. authenticate any and all email addresses and cellphone numbers provided in connection with a registry filing, including the email address and cellphone number the person used when submitting the filing and the business's email address of record;
3. require proof that the registered business entity has authorization to use the address provided as the principal business address, which may include evidence that the (a) business or one of its principals owns or leases the property or (b) owner or lessor of the property allows the property to be used as the business's principal place of business;
4. require that all addresses submitted be valid according to the U.S. Postal Service; and
5. take any other measures the secretary deems necessary that further the provision's purposes and are consistent with state law.

Requirements for Registered Agents (§ 51)

The act establishes the following requirements for any registered agent required to be appointed by law for any corporation, LLC, LLP, LP, or any other business entity that forms or is required to register with SOTS.

Natural Person. If the agent is a natural person, he or she must be an adult (age 18 or older) and a Connecticut resident when named as agent. The secretary may require proof that the (1) name provided is the legal name of the person appointed agent, (2) residential address provided is the agent's primary residence, and (3) agent's business address is the agent's usual place of business.

Registered Business Entity. If the agent is another registered business entity, the entity must be in good standing with SOTS. "Good standing" means that the registered business entity is active on SOTS records and compliant with the entity's

legal obligation to file annual reports and maintain a registered agent.

Business Address. The business address provided for a registered business entity appointed to serve as a registered agent for another registered business entity must be the agent's usual place of business. Under the act, a "usual place of business" is a place in the state that is customarily open during normal business hours where a person authorized to serve as a registered agent, including accepting of service of process and other notifications, is commonly present. It does not include a U.S. post office box or a commercial post office box.

Prohibited Actions (§ 52)

Under the act, for any data, document, or record submitted to SOTS on behalf of a business entity, it is a prohibited action to:

1. include certain individuals' names on a filed document without their written consent,
2. include an address in a document filed with the secretary without the owner's or occupant's consent, and
3. deliver a document about an entity to SOTS if the person making the delivery lacks the necessary written consent or authority to do so.

A person's name cannot be included without consent if the person is included in the filing as the:

1. registered agent;
2. person causing the document to be delivered to SOTS for filing;
3. person incorporating, forming, or organizing an entity;
4. person named as officer, director, member, manager, partner, or other principal of the entity; or
5. any other person required under the relevant statutes to be identified in a document filed with SOTS.

Penalty for Violation. Under the act, an intentional violation of these provisions in connection with a SOTS filing constitutes perjury, which is a class D felony (see Table on Penalties).

EFFECTIVE DATE: Upon passage for the data validation and fraud prevention provisions; January 1, 2025, for the provisions on registered agents' requirements; and October 1, 2024, for the prohibited actions and penalty provisions.

BACKGROUND

Connecticut Unfair Trade Practices Act (CUTPA)

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the Department of Consumer Protection commissioner, under specified procedures, to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than $10,000, impose civil penalties of up to $5,000, 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.

PA 24-129—HB 5418
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING ELIGIBILITY FOR PARTICIPATION IN A PRETRIAL FAMILY VIOLENCE EDUCATION PROGRAM

SUMMARY: This act expands eligibility to participate in the judicial branch's pretrial family violence education program for people charged with family violence crimes (see BACKGROUND).

By law, the court, on the defendant's motion, may invoke the program if, among other things, the defendant is not charged with certain types of crimes. Under prior law, a defendant charged with a class C felony was ineligible for the program. However, the act allows for a defendant to participate in the program if (1) he or she is charged with certain class C felony violations of risk of injury to, or impairing the morals of, a child and (2) good cause is shown for allowing participation.

The act's exception specifically applies to someone charged with (1) willfully or unlawfully causing or allowing a child under age 16 to be placed in a situation where the child's life or body is in danger, health is likely to be injured, or morals are likely to be impaired or (2) doing any act likely to impair the child's health or morals.

By law, a defendant who successfully completes the pretrial family violence education program and complies with the court's conditions can have his or her charges dismissed and records erased. If the defendant violates the program or the conditions, he or she must be brought to trial.
EFFECTIVE DATE: October 1, 2024

PRETRIAL FAMILY VIOLENCE EDUCATION PROGRAM

Program Eligibility

The law, unchanged by the act, makes the program available to defendants who:
1. did not previously participate in it;
2. were not convicted of, or accepted accelerated rehabilitation for, a family violence crime committed after October 1, 1986; and
3. are charged with a misdemeanor family violence crime, or if there is good cause, a class D felony, an unclassified offense punishable by more than five years' imprisonment, or an offense involving serious physical injury.

The act expands program eligibility by allowing participation, if good cause is shown to the court, by defendants charged with the class C felony violations of risk of injury to, or impairing the morals of, a child. Defendants charged with a class A, B, or other C felony or an unclassified felony punishable by more than 10 years in prison remain ineligible for the program.

By law, defendants can ask the court before trial to place them in the program. The court must notify the defendants' victims of the request and, if possible, give them an opportunity to be heard. Defendants placed in the program are released to the custody of a family violence intervention unit for up to two years under conditions the court orders. Defendants must generally pay the court a $100 fee to apply and a $300 fee to participate (CGS § 46b-38c(i)).

BACKGROUND

Family Violence

"Family violence" is an incident resulting in physical harm, bodily injury, or assault, or an act of threatened violence that creates fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. Verbal abuse or argument is not family violence unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

A "family violence crime" is a crime, but not a delinquent act, which, in addition to its other elements, contains as an element an act of family violence, including (1) 1st and 2nd degree violation of conditions of release and (2) criminal violation of a protective order, a standing criminal protective order, or a restraining order. It does not include acts by parents or guardians disciplining minor children unless they constitute abuse (CGS § 46b-38a(3)).

PA 24-135—sHB 5466
Judiciary Committee

AN ACT CONCERNING THE PERIOD OF TIME DURING WHICH ELECTIONS-RELATED CRIMES MAY BE PROSECUTED

SUMMARY: By law, the State Elections Enforcement Commission (SEEC) receives complaints from the secretary of the state, registrars of voters, town clerks, and individuals under oath about alleged election law violations. The commission investigates and holds hearings as it deems appropriate and may refer to the chief state's attorney any evidence of a violation for possible criminal prosecution.

This act, in certain circumstances, extends the time period during which an alleged election law violation referred from SEEC may be prosecuted. Specifically, it allows prosecution during the (1) existing statute of limitations period or (2) six months from when SEEC referred the complaint to the chief state's attorney, whichever period ends later.

The statute of limitations varies based on the offense committed. With certain exceptions, prosecutors may begin a prosecution within (1) five years after the crime was committed for felonies and (2) one year after the crime was committed for misdemeanors (CGS § 54-193).
EFFECTIVE DATE: October 1, 2024, and applicable to (1) offenses committed on or after that date; (2) offenses committed before that date for which the statute of limitations in effect at the time of the offense had not yet expired as of October 1,

2024; or (3) any offense SEEC referred to the chief state's attorney on or after April 1, 2024.

BACKGROUND

Related Act

PA 24-148, § 24, requires certain complaints filed with SEEC on or after July 1, 2024, to be referred to the chief state's attorney for further enforcement action.

PA 24-137—sHB 5500
Judiciary Committee

AN ACT CONCERNING REVISIONS TO VARIOUS LAWS CONCERNING IGNITION INTERLOCK DEVICES, THE DEPARTMENT OF CORRECTION, JUDICIAL RETIREMENT SALARIES AND CRIMINAL LAW AND CRIMINAL PROCEDURE

TABLE OF CONTENTS:

SUMMARY: This act makes various unrelated changes in court- and criminal law-related matters as described in the section-by-section analysis below.
EFFECTIVE DATE: October 1, 2024, except as otherwise noted below.

§ 1 — APPOINTED COUNSEL IN PROCEEDINGS INVOLVING FIREARM RISK PROTECTION ORDERS OR RISK WARRANTS

Requires an attorney to be appointed for certain adults for in-court proceedings for firearm risk protection orders or risk warrants

Existing law allows the police or a prosecutor, under limited circumstances, to apply to court for a risk protection order prohibiting an adult at imminent risk of injuring themselves or someone else from obtaining or possessing firearms, other deadly weapons, or ammunition. The court may also issue a risk warrant for the police to seize these items if the person has them (CGS § 29-38c(a)).

The act requires an attorney to be appointed for the person for purposes of in-court proceedings relating to these orders or warrants (see *Background — Risk Protection Order or Warrant Hearings*) if the person (1) cannot afford an attorney, (2) is represented by a public defender or assigned counsel in a pending in-state criminal case, and (3) is eligible for counsel under the public defender laws.

In doing so, the act makes similar changes as 2023 legislation did for the separate risk warrant process for minors. PA 23-89 required counsel to be appointed on the child's behalf for juvenile court proceedings if the child and his or her parent or guardian (1) cannot afford counsel and (2) are eligible for counsel under the public defender laws.

Background — Risk Protection Order or Warrant Hearings

Within 14 days after a risk protection order or warrant has been issued, the court serving the town where the subject lives must hold a hearing to determine if the order should continue to apply or if the items seized through the warrant should continue to be held by the state. As long as the order or warrant remain in effect, the subject also can request a hearing every 180 days after the initial one (CGS § 29-38c(e) & (f)).

§ 2 — END OF IGNITION INTERLOCK DEVICE REQUIREMENTS

Sets conditions under which IID requirements end earlier than usual following (1) specific outcomes after DUI arrests where cannabis was the only detected intoxicating substance, such as the withdrawal or dismissal of the charges, and (2) pardons for DUI convictions involving alcohol

By law, motorists implicitly consent to be tested for alcohol or drugs and submit to the nontestimonial portion of a drug influence evaluation. In connection with an arrest for driving under the influence (DUI), the law establishes administrative license suspension procedures for when a (1) driver refuses to submit to a test or evaluation or whose test results indicate an elevated blood alcohol content or (2) police officer, through an investigation, concludes that the driver was driving under the influence of alcohol, a drug, or both. Generally, if a driver's license is suspended under this law, the driver must then (1) install and maintain an ignition interlock device (IID) on each vehicle he or she owns or operates and (2) operate only IID-equipped vehicles for a specified period.

The act sets conditions under which these IID requirements end earlier than otherwise required by law. First, if the person was arrested for DUI and cannabis was the only detected intoxicating substance, the requirements end when the (1) person is acquitted or all charges are withdrawn, nolled, or dismissed or (2) person's conviction is vacated, overturned, or erased. Second, if the person was convicted for DUI and alcohol was one of the intoxicating substances, the requirements end if the person received an absolute pardon. In either case, the motor vehicles commissioner must notify the person in writing when the IID requirements have ended.

The act specifies that these provisions do not affect any other requirements or conditions that apply to the person.

§ 3 — LOCATION OF CRIMES COMMITTED THROUGH ELECTRONIC COMMUNICATION

Specifies that offenses committed by communications through computer networks, cell phones, or similar means can be considered to have been committed either where the communication was sent or received

The act specifies that any offense committed through communication using various forms of technology may be

considered to have been committed either at the place where the communication originated or was received.

Specifically, the act applies to communications sent through an interactive computer service, computer network, telecommunications service, cellular system, electronic communication service, or electronic communication system (as defined under specified laws), including email or text messages or any other electronic messages, whether by digital media accounts, messaging programs, or applications.

EFFECTIVE DATE: Upon passage and applicable to offenses committed before, on, or after that date.

§ 4 — COMPENSATION OF INCARCERATED INDIVIDUALS

Explicitly allows DOC, when setting pay rates for incarcerated individuals performing services on the state's behalf, to give higher rates than the minimum based on skill or other factors, and eliminates the $10 weekly limit on this pay

By law, the Department of Correction (DOC) commissioner, after consulting with the administrative services commissioner and the Office of Policy and Management secretary, must set the compensation schedule for incarcerated individuals for services they perform on the state's behalf at DOC facilities. The schedule must recognize degrees of merit, diligence, and skill, to encourage these individuals' incentive and industry.

PA 23-204, § 153, required a pay range of between $5 and $10 per week. This act instead sets a rate of $1 per day, with higher pay rates based on skill level or other factors as the DOC commissioner or his designee determines.

The act also makes technical changes.

§ 5 — ROUNDING OF CASH BAIL

Requires cash bail amounts to be rounded down to the nearest dollar

By law, anyone detained in a community correctional center under a bench warrant or for arraignment, sentencing, or trial must be released upon posting a bond or cash bail. The act requires the bail amount to be rounded down to the nearest dollar.

§ 6 — FACTORS TO RESTORE COMPETENCY

Adds specific factors that a court must consider when determining the least restrictive placement for a person to restore their competency for trial; generally requires the court, in misdemeanor cases, to presume that outpatient treatment is the appropriate placement

By law, a defendant in a criminal trial cannot be tried, convicted, or sentenced while he or she is not competent (i.e., is unable to understand the proceedings and assist in his or her own defense). Generally, if the court finds that there is a substantial probability that the defendant will regain competency after a course of treatment, it must order the defendant to be placed (1) for that treatment (in the custody of the Department of Mental Health and Addiction Services (DMHAS) or certain other agencies, including remaining in DOC custody in some cases) to become competent or (2) in DMHAS custody at a treatment facility pending civil commitment proceedings. Any court-ordered treatment, on an inpatient or outpatient basis, must be the least restrictive placement appropriate and available to restore competency.

The act adds factors that a court must consider when determining this least restrictive placement. Specifically, the court must consider the following:

1. the nature and circumstances of the alleged crime;
2. the defendant's record of criminal convictions and appearing in court;
3. the defendant's family and community ties;
4. the defendant's willingness and ability to engage with the treatment and whether his or her substance use would interfere with the ability to succeed in the placement;
5. any of the defendant's psychiatric symptoms, including their nature and severity; and
6. any other relevant factors specific to the defendant and his or her circumstances.

Under the act, if the defendant is not charged with a felony, the court must presume that outpatient treatment is the least restrictive placement appropriate and available to restore competency. But this does not apply if the court has good cause to find otherwise based on the above factors.

§ 7 — JUDICIAL PENSIONS

Makes technical and conforming changes to a law on the retirement salaries of certain judicial officials without 10 years of service

By law, for judges, family support magistrates, and workers' compensation administrative law judges who began service on or after July 1, 2014, and retire before serving for 10 years due to disability or reaching the mandatory retirement age (70), their retirement salary is reduced by 10% for each year they served less than that (CGS § 51-50(b)(2)). The act makes technical and conforming changes to a related law by replacing an obsolete provision with one specifying that the retirement salary for these officials who retire at age 70 without 10 years of service must be reduced according to the above law.

These officials without 10 years of service are otherwise ineligible for a retirement salary (see CGS § 51-49i(a)).
EFFECTIVE DATE: July 1, 2024

§ 8 — STANDING CRIMINAL PROTECTIVE ORDERS

Extends the law on standing criminal protective orders to defendants found not guilty due to mental disease or defect

The act allows courts to issue, on a victim's behalf, a standing criminal protective order for someone found not guilty of a crime due to mental disease or defect, under the same standards and requirements that apply following a criminal conviction.

Under existing law, a court may issue a standing criminal protective order if the defendant is convicted of certain crimes (e.g., sexual assault or family violence crimes) if the court determines that the offender's criminal conduct indicates that the order will best serve the interest of the victim and the public. For other crimes, a judge may issue a standing criminal protective order for good cause shown. The order remains in place for the period the court sets, unless the court modifies or revokes it for good cause.

PA 24-139—sHB 5508
Judiciary Committee
Appropriations Committee

AN ACT CONCERNING RECOMMENDATIONS FROM THE JUVENILE JUSTICE POLICY AND OVERSIGHT COMMITTEE

SUMMARY: This act makes various changes in laws related to youth gender responsiveness, human trafficking data analysis, and the reentry success plan for juveniles being released from the Department of Correction (DOC) and the judicial branch's facilities and programs.

Specifically, regarding youth gender responsiveness and human trafficking data, the act does the following:

1. requires the Juvenile Justice Policy and Oversight Committee (JJPOC) to establish a gender responsiveness subcommittee by January 1, 2025 (§ 1);
2. requires the subcommittee to work with the Trafficking in Persons Council to, among other things, develop a framework for reporting, collecting, and distributing human trafficking police data to generate annual reports and make legislative and policy recommendations (§ 1); and
3. requires the Trafficking in Persons Council and the Transforming Children's Behavioral Health Policy and Planning Committee (see BACKGROUND) to collaborate with the JJPOC gender responsiveness subcommittee in carrying out its responsibilities (§§ 3 & 4).

Regarding the reentry success plan, the act extends by one year, to November 1, 2024, the deadline for the judicial branch's Court Support Services Division (CSSD) executive director, the DOC commissioner, and the commissioners of the Children and Families (DCF) and Education (SDE) departments to develop the plan. It also requires the plan to include youths being released from programs that are contracted with the judicial branch, not just programs under the branch's jurisdiction or DOC facilities as prior law required. It also:

1. establishes requirements for job readiness and career training programs;
2. expands the principles the plan must incorporate; and
3. delays a related reporting requirement by 11 months, until December 1, 2024 (§ 2).

Lastly, the act also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

§ 1 — JJPOC'S GENDER RESPONSIVENESS SUBCOMMITTEE

The act requires JJPOC to appoint members to a gender responsiveness subcommittee to carry out the responsibilities the act charges it with and any other task the committee directs.

Subcommittee's Charge

Under the act, by January 1, 2025, the subcommittee must work with the Trafficking in Persons Council to (1) complete a landscape analysis and gap assessment of gender responsive work in the state and (2) develop a framework for reporting, collecting, and distributing human trafficking police data to generate annual reports on the data.

The act also charges the subcommittee with developing policy and legislative recommendations based on the human trafficking data for JJPOC's and the Trafficking in Persons Council's consideration.

Landscape Analysis and Gap Assessment

Under the act, as part of the landscape analysis and gap assessment, the subcommittee must:

1. define "gender responsive" and "gender responsive practice";
2. receive and consider input from youth, families, and communities directly impacted by any gaps in gender responsive work;
3. review national best practices, including approaches and types of services provided and system considerations;
4. review previous work and legislation on gender responsive work;
5. identify any gaps in gender responsive work resulting from system or programmatic changes;
6. review existing work and practices on gender responsiveness among agencies and community providers; and
7. review data, broken down by race, ethnicity, gender, age, location, and level of system involvement, including the type of offenses committed by youth and how the offenses are handled in the juvenile justice system.

Policy and Legislative Recommendations

The act also requires the subcommittee to develop policy and legislative recommendations based on the human trafficking police data it distributes and reports to JJPOC and the Trafficking in Persons Council for their consideration.

Under the act, the recommendations must (1) address improvements to the continuum of care to youth who identify as girls and are impacted by the juvenile justice system and (2) provide for culturally- and trauma-informed approaches, services, treatment, and permanency models for these youth.

The recommendations must include the following:

1. continuity of clinical support across a range of placement and treatment settings;
2. specialized treatment in foster care for youths who have experienced sexual abuse or sex trafficking, including youth with intellectual and other developmental disabilities;
3. specialized training for care providers and treatment providers;
4. consistent and constant sources of support, including peer mentoring and therapy for youths;
5. programs and practices developed with input from people who are survivors of sexual abuse or human trafficking;
6. service and treatment setting options that specifically address the needs of children with intellectual and other developmental disabilities;
7. successful treatment and support models from other states to inform service enhancement in Connecticut;
8. supports for youths who identify as transgender or gender non-conforming;
9. diversion options, such as using a juvenile review board or other diversion models; and
10. a monitoring framework to ensure quality of the continuum of care provided.

Information Sharing

The act requires the gender responsiveness subcommittee and the Transforming Children's Behavioral Health Policy and Planning Committee (see below) to share information with JJPOC on gender responsive practices and policies for youths involved with the child welfare system.

§ 2 — REENTRY SUCCESS PLAN FOR YOUTHS RELEASED FROM DOC FACILITIES

Plan Development and Initiation

Prior law required the CSSD executive director and the DCF, SDE, and DOC commissioners, or their designees, by November 1, 2023, to develop a reentry success plan for youths released from DOC and the judicial branch's facilities and programs. The act (1) extends this deadline by one year, to November 1, 2024, and (2) specifies that under the plan, the judicial branch's facilities and programs also include those that are contracted with the branch. By law, the plan's purpose is to successfully reintegrate young people into their communities.

Restorative and Transformative Justice Principles

By law, the reentry plan must incorporate at least seven specific restorative and transformative justice principles, including use of credible messengers as mentors or transition support providers. The act specifies that the use of credible messengers must be for up to 24 months after a young person's release from DOC facilities and programs under the judicial branch's jurisdiction or contract.

Job Readiness and Career Training

By law, the plan must include a proposed quality assurance framework and information on federal and state funding sources. The act further requires that the plan ensure that:

1. youths released from DOC facilities and judicial branch programs have started or, whenever possible, completed job readiness or career training programs with imbedded industry-recognized credentials, certifications, or licenses and
2. DOC and the judicial branch programs collaborate with the youths and a transition support provider is given to support them in seeking and, whenever possible, finding employment before they are released from the facility or program, and staying employed after release.

Report to JJPOC

The act also extends, by 11 months, the deadline for the CSSD executive director and the commissioners, or their designees, to report the reentry plan to JJPOC, from January 1, 2024, to December 1, 2024.

BACKGROUND

Trafficking in Persons Council

By law, among other things, the Trafficking in Persons Council coordinates human trafficking data collection and consults with government and nongovernment organizations in developing recommendations to strengthen state and local efforts to prevent trafficking, protect and help victims, and prosecute traffickers (CGS § 46a-170).

Transforming Children's Behavioral Health Policy and Planning Committee

By law, the Transforming Children's Behavioral Health Policy and Planning Committee is charged with (1) evaluating the availability and efficacy of prevention, early intervention, and behavioral health treatment services and options for children (birth to age 18) and (2) making recommendations to the legislature and executive branch agencies on the governance and administration of the mental health care system for children (CGS § 2-137).

PA 24-144—sHB 5507
Judiciary Committee

AN ACT CONCERNING CERTAIN PROCEEDINGS RELATING TO ELECTRIC TRANSMISSION LINES AND THE MEMBERSHIP AND PROCESSES OF THE CONNECTICUT SITING COUNCIL

TABLE OF CONTENTS:

SUMMARY: This act makes changes to the Public Utility Environmental Standards Act (PUESA), which is the law that governs the Siting Council's authority and procedures, as described in the section-by-section analysis below.
EFFECTIVE DATE: October 1, 2024, except a provision requiring the Department of Energy and Environmental Protection (DEEP) to study the council is effective upon passage.

§ 1 — CERTIFICATE MODIFICATIONS

Categorizes changes or alterations that require eminent domain or expand existing easements as "modifications" that require a certificate if the Siting Council determines they will have a substantial adverse environmental effect

By law, developers of facilities subject to the Siting Council's jurisdiction must obtain or amend a certificate of environmental compatibility and public need ("a certificate") before modifying a facility that may have a substantial adverse environmental effect, as determined by the council (CGS § 16-50k(a)). A modification is a significant change or alteration in the facility's general physical characteristics. Under the act, this includes any change or alteration that expands an existing easement or requires the exercise of any right of eminent domain.

§ 2 — SITING COUNCIL MEMBERSHIP AND CONSULTATIONS

Modifies and expands restrictions on member affiliations with utilities and facilities; requires the council to hire the employees it needs to perform its duties; adds the OCC to the agencies the council must consult with before holding a certificate hearing

Membership

Under existing law, the council typically has nine members: the DEEP commissioner and the Public Utilities Regulatory Authority (PURA) chairperson (or their designees); one selected by the House speaker and another selected by the Senate president pro tempore; and five members of the public appointed by the governor, at least two of which must have experience in ecology.

Under prior law, only one of the five members appointed by the governor could have a past or present affiliation with (1) a utility or governmental regulatory agency or (2) any person who owns, operates, controls, or contracts with a facility regulated by the council. The act instead requires these five appointees to have no financial interest in, not be employed in or by, and not be professionally affiliated with any (1) utility or (2) facility under the council's jurisdiction. The act additionally prohibits these members from having a professional affiliation with utilities or these facilities for three years before their appointment to the council.

The act specifies that these public appointments are also subject to a separate law that establishes requirements for appointing public members to Executive Branch boards and commissions. Among other things, the law requires that public members constitute at least one third of the board or commission's members and makes appointments coterminous with the governor's term.

The act explicitly requires the council to hire the employees it needs to carry out its purposes and requires that council employees, in the aggregate, have sufficient expertise in engineering and financial analysis to do so.

Consulted Agencies

By law, before starting a hearing on applications for certificates or certificate amendments, the council must consult with and solicit comments from various state agencies (e.g., DEEP, PURA, and the Department of Economic and Community Development). The act adds to these agencies the Office of Consumer Counsel (OCC). By doing so, the act makes the OCC's comments part of the record of the proceeding and prohibits the OCC from entering into any contract or agreement with any party to a council proceeding or hearing that would require the office to withhold or retract comments or withdraw or refrain from participating in proceedings and hearings.

§§ 3 & 10 — APPLICATION REQUIREMENTS

Adds requirements to transmission line certificate applications; requires notice for changes to certain solar facilities; expands municipal consultations; increases payment to and from the municipal participation account

Transmission Line Applications

By law, a certificate application for a transmission line project must include, among other things, a schedule showing the proposed program of right-of-way or property acquisition, construction, completion, and operation. For proposed transmission lines or modifications, the act additionally requires the application to include any appraisal on fair compensation provided to a real property owner in connection with entering a right-of-way, including easements or land acquisition, completed by an independent appraiser on the applicant's behalf. It requires applicants to use due diligence to seek permission to gain access to any property the applicant does not own, lease, or otherwise have access to. Under the act, due diligence is shown by submitting the following materials with the application:

1. letters sent to the property owners of record by certified mail, return receipt requested, and
2. an affidavit stating that the applicant was not given access to the property and, without permission to access the property, the applicant made visual inspections to document existing conditions from public rights-of-way, existing utility rights-of-way, or other nearby accessible properties.

The act requires certificate applications for transmission line projects or modifications to additionally include the following information:

1. a description of estimated initial and life-cycle costs for the facility or modification, and each feasible and practical alternative;
2. an estimate of the regionalized and localized costs for the facility or modification, and each feasible and practical alternative, in accordance with ISO-New England's procedure for pool-supported pool transmission facilities cost review, or a successor procedure;
3. an analysis of the benefits associated with any cost difference between the estimated total and local costs;
4. a detailed analysis of any nontransmission alternatives to the proposed facility or modification;
5. actual loads for existing transmission lines in the project's proposed location for the previous 10 years;
6. the proposed transmission line's projected load for the 10-year period after the application date;
7. performance of the electric circuits at issue over the previous 10 years, including service outages or disruptions, their causes, and the length of time to restore service; and
8. planning studies conducted by ISO-New England or the applicant about the proposed project.

By law, companies generating, transmitting, or distributing electricity must annually report a 10-year loads and resources forecast to the council (CGS § 16-50r). The act requires certificate applications for transmission projects and modifications to also include this report.

Under the act, if the applicant intends to submit one or more additional applications for certain additional transmission facilities within five years after the initial application, then the applicant must indicate any foreseeable intention in the initial application and provide any information on the additional facilities that the council requires. This applies to additional transmission facilities that will be either physically connected to the facility included in the initial application or located within five miles of it.

Notice Requirements for Solar Facilities

The act requires certificate applicants for solar facilities to provide notice by certified or registered mail about each proposed site configuration change that the council determines is a material change and that occurs after the application is filed but before the certificate is granted. The applicant must give this notice to each recorded property owner for properties abutting the facility's proposed primary or alternative sites.

Municipal Consultations

Existing law requires applicants to consult with certain municipalities before filing an application with the council, and, at the consultation, give the municipality's chief elected official any technical reports on the proposed facility's public need, site selection process, or environmental effects. The act additionally requires the applicant to consult the municipality's legislative body and each state legislator whose district includes a proposed or alternative facility location and provide the same technical reports. The act allows the chief elected official to designate someone for the consult.

Existing law requires the applicant to give the council a summary of its consultations with a municipality within 15

days after submitting an application, including any recommendations the municipality issues. Under the act, this summary must also include any meetings with any of the consulted officials.

For transmission line applications, the act pushes this consultation back from 60 to 90 days before filing an application. It also requires applicants for these projects to give the consulted officials a report that includes a summary of the status of any negotiation with real property owners on any right-of-way access, easements, or land acquisition, excluding any confidential or proprietary information.

Municipal Participation Account Payments (§§ 3 & 10)

By law, certain facilities must pay a municipal participation fee when filing their application for a certificate from the council. This requirement applies to applications for electric transmission lines, fuel transmission facilities, electric generation or storage facilities, and certain electric substations or switchyards. The act increases the fee from $25,000 to (1) $80,000 for applicants with proposed facilities in more than one municipality and (2) $40,000 for all other applicants.

Under existing law, these fees are deposited into the General Fund's municipal participation account. Municipalities may apply for reimbursement from the account to defray expenses incurred from participating as a party to a certificate proceeding. The act increases the maximum amount a municipality may receive from the account from $25,000 to $40,000. Existing law prohibits municipalities from receiving any more from the account than the funds they spent.

§ 4 — INTERVENORS IN COUNCIL PROCEEDINGS ON TRANSMISSION LINES

Requires the council to grant intervenor status to abutting property owners in certificate proceedings for transmission lines

By law, the council may permit any person to participate as an intervenor in a certificate or amendment proceeding or a declaratory ruling proceeding, under the Uniform Administrative Procedure Act's (UAPA) provisions on intervenor status for contested proceedings. For certificate proceedings on transmission line facility applications, the act also requires the council to grant intervenor status to anyone who (1) owns property that abuts the proposed facility or a right-of-way where the proposed facility will be and (2) submits a written petition to the council.

§ 5 — DETERMINANT FACTORS IN SITING COUNCIL DECISIONS

Requires the council to (1) provide certain information before granting a certificate, (2) make certain determinations before approving transmission line projects, and (3) evaluate proposed solar facility noise levels; prohibits the council from approving certain solar facilities in close proximity to other large solar facilities

The law requires the Siting Council to make certain determinations and findings before approving a certificate, such as that the facility's adverse effects are not sufficient reason to deny the application and, for most facilities, that there is a public need for the facility.

The act additionally requires the council to provide certain information before granting a certificate, either as proposed or with conditions or modifications required by the council. Specifically, the council must provide (1) summaries and written responses to the comments submitted by consulted agencies (see above) and (2) a written response to each intervenor's position. The act requires the council to specifically address any environmental justice concerns raised in these comments or positions.

Transmission Line Decisions

Existing law establishes separate requirements for transmission line certificate decisions, including that the council determine what portion of the facility will be located overhead and whether the facility conforms to a long-range expansion plan for the electric power grid, among other things. Starting October 1, 2025, the act additionally requires the council to consider neighborhood concerns (e.g., public safety and the proposed facility's impact on the municipal tax base) and determine the following before approving a certificate:

1. the estimated initial and life-cycle costs for the facility or modification, and any feasible and practical project alternatives;
2. the estimated regionalized and localized costs for the facility or modification and for any feasible and practical alternative; and
3. that any estimated localized costs for the facility or modification are reasonable compared to the benefits.

Siting Council regulations authorize the council to require certificate holders to submit a Development and Management (D&M) plan before starting construction. For certificate holders with transmission line projects, the act requires a D&M plan submitted to the council on and after October 1, 2025, to include the estimated (1) cost for the facility or modification based on the design in the D&M plan and current cost information and (2) regionalized and localized costs using this estimate. Under the act, if either of these estimates exceeds 110% of the estimated initial life-cycle or localized costs determined by the council before issuing the certificate (see above), the certificate holder must include in the D&M plan a detailed analysis of the difference in cost estimates and provide any additional information the council or any proceeding intervenors request.

Solar Facility Decisions

Under the act, before approving a certificate for a solar facility, the council must evaluate the proposed facility's noise levels using scientifically accepted noise assessment methods. The act prohibits the council from approving a certificate for a solar facility if the (1) facility will not comply with noise regulations established under state law or (2) distance between any of the facility's inverters or transformers and the property line is less than 200 feet. (Existing law, unchanged by the act, requires the council to approve certain distributed resources projects by declaratory ruling. Presumably, these projects would not be subject to requirements the act adds to certificate proceedings.)

Background — Facilities Approved by Declaratory Ruling

Existing law requires the Siting Council to approve the following types of projects by declaratory ruling, rather than through the certificate process:

1. an electric generation facility, other than one fueled by coal or nuclear materials, at a site where an electric generating facility operated before July 1, 2004;
2. a fuel cell, unless the council finds a substantial adverse environmental effect; and
3. a customer-side distributed resources project or facility or a grid-side distributed resources project or facility with a capacity up to 65 megawatts (MW), as long as the project meets air and water quality standards, the council finds no substantial adverse environmental effect, and, if applicable, the project complies with certain requirements for siting on prime farmland or core forest (CGS § 16-50k).

A customer-side distributed resource is a generating unit of up to 65 MW on a retail end user's premises within the transmission and distribution system (e.g., fuel cells, solar facilities, and small wind turbines) or a retail end user's reduction in demand for electricity through conservation and load management (CGS § 16-1(a)(34)).

A grid-side distributed resource is a generating unit of up to 65 MW that is connected to the transmission or distribution system, including units primarily used to generate electricity to meet peak demand (CGS § 16-1(a)(37)).

§ 6 — COURT AWARDS TO MUNICIPALITIES

Starting October 1, 2025, allows the court to award reasonable attorney's fees and costs to a municipality that prevails in its appeal and prohibits utilities from recovering these amounts under certain circumstances

Existing law allows parties in council proceedings for certificates or certificate amendments to appeal a council decision to Superior Court under the UAPA. Starting October 1, 2025, the act allows the court to award reasonable attorney's fees and costs to a municipality that prevails in its appeal. The act prohibits public service companies (e.g., utilities) from recovering these fees and costs through rates if the court finds that the (1) company acted imprudently in the application process or petition and (2) imprudence was the primary reason the municipality prevailed.

§ 7 — UTILITY EXPENDITURES

Requires, rather than allows, the council to consider certain factors on utility expenditures for research and advertising in all proceedings

Starting October 1, 2025, the act requires the council to give appropriate consideration in all proceedings to the following factors:

1. the amount spent by a utility for research on generation and transmission of energy and its environmental effects;
2. the amount spent by a utility to promote the use of the energy it furnishes (e.g., advertising); and
3. the relationship between these expenditures.

Prior law authorized, but did not require, the council to give appropriate consideration in all proceedings to these factors.

§ 8 — VIOLATIONS, ENFORCEMENT, AND PENALTIES

Requires the council, rather than the courts, to assess civil penalties and establishes a notice and hearing procedure

Prior law required (1) the council to take reasonable steps to ensure that each facility granted a certificate is constructed, maintained, and operated in compliance with that certificate and any other standards set under PUESA and (2) certificate holders to pay expenses related to verifying compliance. The act instead requires the council to enforce PUESA and compliance with any certificate it issues. It requires certificate holders to comply with certificates, any condition on their certificates, and PUESA.

Civil Penalties

Prior law allowed the courts to assess civil penalties of at least $1,000 per day for each day of construction or operation in material violation of PUESA. The act instead gives the council this authority. Under the act, if the council finds that any person has failed to secure or comply with a certificate, or comply with a certificate condition or any other requirement under PUESA, the council must order the person to pay fines, restitution, or both. By law, civil proceedings to enforce PUESA may also be brought by the attorney general in Superior Court and remedies and penalties are cumulative and in addition to any other penalties and remedies available at law or in equity.

Prior law authorized the council to require the certificate holder to pay expenses related to compliance verification or meeting other standards. The act eliminates this provision.

Notice and Hearings

The act establishes notice requirements for these violations and civil penalties. Under the act, if the council has reason to believe a violation has occurred, it must notify the alleged violator by certified mail, return receipt requested, or by personal service. The notice must include the following information:

1. a reference to any applicable section of energy law, council regulation or certificate, or any certificate condition or requirement;
2. a short and plain statement of the matter asserted or charged;
3. a statement of the prescribed civil penalty for the violation; and
4. a statement of the person's right to a hearing.

The act gives the alleged violator 20 days after receiving the notice to apply to the council for a hearing. If, after a hearing, the council finds a violation has occurred, it may issue a final order assessing a civil penalty as described above. If the alleged violator does not request a hearing, or withdraws the request, the council's notice becomes the council's final order and matters asserted in the notice are deemed admitted. This occurs either when the 20-day period expires or when the hearing request is withdrawn, whichever is later, unless the notice is modified by a consent order before it becomes final, in which case the consent order is the final order.

The law requires the council to conduct hearings for violations as contested cases under the UAPA, which, among other things, allows parties to appeal final orders to Superior Court. But the act prohibits challenges to a council's final order assessing a civil penalty if the issue could have been raised by an appeal of an earlier council order.

Penalties

The act makes any civil penalty due (1) upon receipt of a final order, in cases where the council assessed the penalty after a hearing; (2) on the first day after the 20-day period to request a hearing expires, if no hearing is requested; or (3) on the first day after a hearing request is withdrawn.

Under the act, civil penalties are enforced in the same way as Superior Court judgments. The council must deliver final orders to violators by personal service or by certified mail, return receipt requested. After entering a final order, the council may file a transcript without the payment of costs in the clerk's office of the Superior Court in the district where the person resides, has a business, or owns real property, or where any real property that is subject to the proceedings is located. If the person is not a state resident, the council may do so in the Hartford judicial district. The act requires the clerk to docket the council's order in the same way and with the same effect as a Superior Court judgment. Upon docketing, the order may be enforced as a court judgment.

Prior law authorized courts to grant restraining orders and temporary and permanent injunctive relief as needed to ensure compliance with PUESA and with Siting Council certificates. The act instead specifically authorizes the Superior Court where the transcript is filed to do so and specifies that this may include requiring modifications to the facility's layout or installing noise-dampening materials or equipment to comply with noise level restrictions required under a certificate.

§ 9 — EMINENT DOMAIN NOTICE AND PROCEDURES

Requires notices of potential property condemnation at least 60 days before the intended condemnation date

Existing law generally allows electric transmission companies to acquire real property through eminent domain (i.e., condemnation) to (1) relocate a transmission facility or right-of-way required by a public highway project or other governmental action; (2) acquire additional rights or title to property already subject to an easement or other rights for electric transmission lines; or (3) widen a portion, up to one mile long, of a transmission right-of-way for public safety or convenience.

Under prior law, when a utility company wanted to acquire residential real property by condemnation, and the property's owner disputed the company's need to acquire the property, the owner could bring the issue to the Siting Council within 30 days after being informed about the company's intention. But prior law did not set a timeframe for the company to notify the property owner.

The act requires the company to notify the property owner at least 60 days before the intended date of condemnation, regardless of any dispute, in an envelope with "NOTICE REGARDING POTENTIAL CONDEMNATION OF YOUR PROPERTY" written in at least 12-point bold type. As under prior law, the notice must be sent by certified mail and include a statement that the owner may bring the issue of the purpose for which the property is being acquired to the Siting Council.

Under the act, if the property owner disputes the company's need to acquire the property, the owner may bring the matter to the Siting Council within 30 days after the property owner receives the notice of potential condemnation.

§ 11 — MUNICIPAL LOCATION PREFERENCES FOR TRANSMISSION PROJECTS

Requires the council to request a municipality's location preferences or siting criteria for transmission line projects and requires municipalities to provide this information within 30 days after the request

Existing law requires the council to request that municipalities provide any location preferences or criteria for proposed telecommunication tower projects within 30 days after receiving notice about the project. The act extends this requirement to proposed transmission lines. It requires municipalities to provide their location preferences or criteria within 30 days after the council's request. The act similarly extends to proposed transmission lines a provision that allows the council to consider regional location preferences from neighboring municipalities.

§ 12 — DEEP REPORT ON THE SITING COUNCIL

Requires DEEP to report on the Siting Council to various legislative committees by December 31, 2024, and authorizes the department to hire a consultant for the study

The act requires DEEP to report on the Siting Council to the Energy and Technology, Environment, Government Administration and Elections, and Judiciary committees by December 31, 2024. The study must examine the council, focusing on its ability to balance the need for (1) the facilities the council oversees; (2) timely and thorough administration of the council's duties; and (3) environmental protection, public health, and safety. The act requires the study to evaluate and provide recommendations on the following topics:

1. the scope of the council's jurisdiction, its membership, and its powers, duties, roles, and responsibilities, as compared to other state agencies;
2. the council's structure's effectiveness, considering other structures based on best practices in other states, and any statutory or administrative changes needed to implement recommendations;
3. the process to issue a certificate or declaratory ruling, and how to better integrate new technologies into the process;
4. the council's oversight of completed projects;
5. criteria the council uses to evaluate applications;
6. the council's ability to adhere to statutory timeframes;
7. how the council evaluates an approved project's economic, conservation, and development impacts, including (a) its consistency with transit-oriented development and other state and municipal economic development objectives

and (b) the degree to which a project forecloses the opportunity for economic development;

8. the efficacy of the council's processes for developing evidence and deliberating;
9. the council's relationship with municipalities and other governmental bodies;
10. policies, procedures, and processes for inclusive public engagement in council decision-making, including to increase transparency and encourage public participation, especially in environmental justice communities;
11. equitable practices and processes in council decision-making for considering community compensation;
12. how the council addresses common public concerns related to siting (e.g., noise, visual, and other community impacts); and
13. whether to give each member of the council an email address so that they may receive documents and other information directly.

To prepare the report, the act requires DEEP to consult with (1) the council; (2) the departments of agriculture, economic and community development, housing, public health, and transportation; (3) the Office of Policy and Management; (4) the Council on Environmental Quality; (5) PURA; and (6) the OCC. The act authorizes DEEP to hire a consultant within existing resources to help prepare the report, but not a consultant who owns or operates a facility that is subject to the council's jurisdiction.

The act requires DEEP to post a draft of the report on its website by November 30, 2024, for the public to review before providing any comments. DEEP must also (1) provide a mechanism to receive public comment, (2) host at least one listening session to seek public comment after posting the draft but before submitting the final report, and (3) integrate the comments into the final report as the department deems appropriate.

PA 24-5—sSB 222
Labor and Public Employees Committee

AN ACT CONCERNING CHANGES TO THE PAID FAMILY AND MEDICAL LEAVE STATUTES

SUMMARY: This act makes various changes in the state's paid family and medical leave insurance (PFMLI) law, Family and Medical Leave Act (CTFMLA), and family violence leave law. In general, the PFMLI program is an employee-funded program that provides up to 12 weeks of partial wage replacement benefits to employees on unpaid leave from employment under the CTFMLA (e.g., for the birth of a child or a serious health condition) or family violence leave law (e.g., to obtain victim services or relocate).

Among other things, the act:

1. codifies requirements for employers to register with and submit reports to the PFMLI Authority, which administers the program;
2. sets a process for the authority to recover benefit overpayments and penalties;
3. allows the governor to enter into a memorandum of understanding (MOU) with the state's federally recognized tribes to allow employees of the tribe or any tribally-owned business to participate in the PFMLI program;
4. requires health care providers to display an informational poster about the PFMLI program;
5. allows claimants to receive PFMLI benefits concurrently with benefits from the state's Victim Compensation Program within certain limitations;
6. broadens the state's family violence leave law to also allow leave for sexual assault victims; and
7. defines a "municipality" under the PFMLI law and CTFMLA.

Lastly, the PFMLI law requires the authority to annually report certain information such as the program's level of participation, trust fund balance, and claimant demographics. The act changes the annual reporting date from July 1 to September 1 (§ 5).

EFFECTIVE DATE: October 1, 2024, except that the provision changing the annual report date is effective upon passage.

§ 2 — EMPLOYER REGISTRATION AND REPORTING REQUIREMENT

The act explicitly requires each employer subject to the PFMLI law and paying wages to an employee to register with the PFMLI Authority and submit reports required by the authority in a form and manner it sets. (In practice, the authority had already required employers to do this.) Under the act, employers that fail to comply are subject to penalties the authority establishes under its general authority to implement the PFMLI law.

§ 4 — ATTEMPTED FRAUD, OVERPAYMENTS, AND PENALTIES

Existing law allows the authority to seek a repayment of overpaid PFMLI benefits from claimants who received them erroneously or before their claim was subsequently rejected. If a claimant receives benefits due to willful misrepresentation, the authority may also issue a penalty that equals half of the benefits paid.

The act specifies that the authority must charge anyone who was overpaid or assessed any PFMLI-related penalty with the amount due. It requires the person to repay the overpayment or penalty to the authority under a payment schedule the authority determines and subjects anyone who fails to make the required payments to a 1% per month interest rate on the amount owed. It also allows the authority to recover the amount and interest owed by asking the administrative services commissioner to seek reimbursement though an income tax refund withholding.

§§ 1 & 6 — TRIBAL MOU

Existing law, unchanged by the act, requires the governor to submit any compact between the state and an Indian tribe to the legislature for approval or rejection (CGS § 3-6c). Regardless of this provision, the act allows the governor, in consultation with the authority, to enter into an MOU with any federally recognized tribe in the state to authorize employees of both the tribe and any tribally-owned business to participate in the PFMLI program. Once they enter into the MOU, they would be considered an employer under the PFMLI law. However, the act also requires that their participation be governed solely by the MOU's terms. (Presumably, the MOU would prevail if its provisions conflict with how the law treats an "employer.")

§ 3 — INFORMATIONAL POSTER

The act requires the PFMLI Authority, by October 1, 2024, to develop or approve an informational poster for "health care providers" to display. It requires each health care provider to display the poster in a clear and conspicuous way accessible to patients and caregivers. Providers subject to the requirement include doctors of medicine or osteopathy; podiatrists, dentists, psychologists, optometrists, and chiropractors; advanced practice registered nurses, nurse practitioners, nurse midwives, and clinical social workers; and certain Christian Science practitioners.

§ 2 — BENEFITS FROM OTHER PROGRAMS

The prior PFMLI law generally prohibited claimants from receiving PFMLI benefits concurrently with unemployment or workers' compensation benefits, or with benefits from any other state or federal program that provides wage replacement. The act more specifically limits this prohibition to PFMLI claimants concurrently receiving income replacement benefits from those programs.

The act also explicitly allows claimants to receive PFMLI benefits concurrently with benefits from the victim compensation program administered by the Judicial Department's Office of Victim Services, as long as the total benefit the claimants receive during their leave does not exceed their regular pay rate.

§ 8 — CT FAMILY VIOLENCE LEAVE AND SEXUAL ASSAULT VICTIMS

The state's family violence leave law generally allows certain employees who are family violence victims to take leave from work (and qualify for PFMLI benefits) if they need to miss work for certain related reasons. The act broadens this law to also cover sexual assault victims. Similar to family violence victims, it allows an employee who is a sexual assault victim to take the leave if it is reasonably necessary to (1) seek medical care or psychological or other counseling, (2) obtain services from a victim services organization, (3) relocate, or (4) participate in a civil or criminal proceeding related to or resulting from the assault.

As under existing law for family violence victims, (1) these provisions apply to people working for employers with at least three employees and (2) the person's employer may limit the allowable unpaid leave to 12 days per calendar year and request certain documentation from the employee (generally, police or court records or a signed statement from certain sources).

Under the act, "sexual assault" includes the crimes of sexual assault in the first, second, third, or fourth degrees; aggravated sexual assault in the first degree; and third degree sexual assault with a firearm.

§§ 1 & 7 — MUNICIPALITIES UNDER THE PFMLI LAW AND CTFMLA

The act specifies that a "municipality" under the PFMLI law and CTFMLA is any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district, and each municipal organization authorized to levy and collect taxes. Neither law previously defined a municipality under their provisions, but municipalities are not employers covered by CTFMLA, and they are covered under the PFMLI law only if their employees join the program through collective bargaining.

PA 24-8—sHB 5005
Labor and Public Employees Committee

AN ACT EXPANDING PAID SICK DAYS IN THE STATE

SUMMARY: This act expands the state's paid sick leave law in numerous ways. The prior paid sick leave law generally required certain employers with at least 50 employees to give up to 40 hours of paid sick leave annually to their "service workers" in certain specified occupations (e.g., food service workers, health care workers, and numerous others). The act expands the law by, among other things:

1. covering nearly all private sector employees and employers with at least 25 employees in 2025, those with at least 11 employees in 2026, and then those with at least one employee in 2027 (the act exempts seasonal employees and certain union construction workers and their employers);
2. broadening the range of family members for whom an employee may use the leave;
3. increasing the rate at which employees accrue leave and changing the waiting period before they may use it; and
4. broadening the reasons employees may use the leave to include events like closures due to a public health emergency and quarantines.

The act prohibits employers from requiring their employees to provide documentation to support their reasons for taking leave. It also removes provisions from prior law that generally allowed employers to require employees to give them advance notice about a foreseeable leave.

It expands employer notice requirements by requiring employers to give written notice to each employee about the paid sick leave law. The act also sets employer recordkeeping requirements that, among other things, require (1) employee "pay stubs" to include an employee's accrued paid sick time and use for the calendar year and (2) employers to maintain their paid sick leave records for three years.

The act specifies that the paid sick leave law does not preempt or override the terms of any collective bargaining agreement entered into on or after July 1, 2012, under the law that allows certain family child care providers and personal care attendants (PCAs) to collectively bargain with the state (§ 4, see BACKGROUND). It also makes numerous minor, technical, and conforming changes.

For FY 25, the act also (1) requires the labor commissioner to ensure that certain duties and responsibilities for the paid sick leave law are performed within available appropriations and (2) prohibits the Office of Policy and Management (OPM) secretary from reducing certain budgetary expenditures and allotments for the Department of Labor's (DOL) wage enforcement agents.

Lastly, the act creates a task force to study establishing a paid sick leave tax credit for employers with five or fewer employees in the state. The task force must study the feasibility of establishing the tax credit, including whether or how to mitigate any expenses these employers incur due to the paid sick leave law.

EFFECTIVE DATE: January 1, 2025, except that the provisions on the (1) FY 25 budget are effective July 1, 2024, and (2) task force are effective upon passage.

§§ 1-3 — COVERED EMPLOYERS, EMPLOYEES, & FAMILY MEMBERS

Employers

The prior paid sick leave law covered private sector employers with at least 50 employees, except manufacturers and certain non-profits. The act gradually expands the law's coverage to nearly all private sector employers regardless of their size, industry, or non-profit status by extending coverage to employers with at least 25 employees starting January 1, 2025; then to employers with at least 11 employees starting January 1, 2026; and to all employers starting January 1, 2027.

However, it exempts (1) employers that participate in a multi-employer health plan requiring contributions from multiple employers and maintained under a collective bargaining agreement between employers and a construction-related tradesperson employee organization (e.g., union) or organizations and (2) self-employed people.

Employees

The act also expands the law to cover nearly all private sector employees, except for seasonal employees and the construction workers employed by the exempted employers described above, rather than only the specified "service worker" occupations covered by prior law (e.g., home health aides, nurses, security guards, janitors, and cashiers). It also covers the day or temporary workers excluded from the prior law (unless they are seasonal employees). Under the act, "seasonal employees" are employees who work 120 days or less in any year.

To determine the sick leave law's applicability, the number of an employer's employees is based on the employees on the employer's payroll for a particular week each year. Under prior law, this was the payroll for the week that included October 1. The act changes this to the payroll for the week that includes January 1.

Family Members (§§ 1 & 3)

Prior law allowed covered employees to use paid sick leave to care for their minor or disabled child (or child for whom they stand in place of a parent) or spouse. The act broadens the range of "family members" for whom employees may use paid sick leave to include their adult children, siblings, parents, grandparents, grandchildren, and anyone related to the employee by blood or affinity whose close association the employee shows is equivalent to those family members.

Under the act, siblings and grandchildren include those relations by blood, marriage, adoption, or foster care, as is the case for children under existing law. Parents include a biological, foster, or adoptive parent, stepparent, parent-in-law, legal guardian, and someone who stands or stood in the place of a parent.

Under prior law, a "spouse" was a husband or wife. Under the act, a spouse is instead (1) someone who is legally married to an employee under the laws of any state or (2) an employee's domestic partner registered under the laws of any state or political subdivision.

§ 2 — LEAVE ACCRUAL AND AVAILABILITY

Leave Accrual

The act increases the rate at which employees accrue leave, from one hour per every 40 hours worked to one hour per every 30 hours worked. For newly covered employers and employees, the leave begins accruing on the January 1 that they become covered by the law (i.e., 2025 for employers with at least 25 employees, 2026 for employers with at least 11 employees, and 2027 for employers with at least one employee). Employees hired after those dates begin accruing the leave on their first day of employment. The act also specifies that employers may give their employees more paid sick leave or give sick leave at a faster rate than the law requires.

The act requires that employees exempt from federal law's overtime pay requirements (e.g., certain salaried or managerial employees) be presumed to work 40 hours per week for leave accrual purposes unless their normal work week is less than 40 hours. If it is, then their leave accrual must be based on their normal work week. (Prior law did not explicitly address this issue.)

Under the act, employees maintain and may use their accrued paid sick leave when (1) they transfer to a separate division, entity, or location with the same employer or (2) a different employer succeeds or replaces an existing employer. (Prior law did not explicitly address either of these issues.)

Leave Availability

Under prior law, employees had to work 680 hours for their employer before they could use their leave. The act instead allows employees to use their leave starting on the 120th calendar day of their employment. It also allows employees to use the leave regardless of how much they work by eliminating a provision in prior law that prohibited employees from using the leave unless they worked at least 10 hours per week, on average, in the most recent complete calendar quarter.

Replacements

The act prohibits employers from requiring employees taking paid sick leave to look for or find a replacement to cover the hours they were scheduled to work.

Leave Carry Over

The law entitles covered employees to carry over up to 40 unused accrued hours of paid sick leave from one year to the next. Under the act, an employer may give an employee an amount of paid sick leave that meets or exceeds the act's requirements and is available for the employee to use immediately at the beginning of the next year, instead of carrying over the unused paid sick leave.

Other Employer-Provided Leave

The paid sick leave law deems an employer in compliance with its requirements if the employer offers other paid leave (e.g., vacation or personal days) that the employee can use for the same reasons allowed under the paid sick leave law and that accrues at the same or greater rate. The act further (1) requires that employees also be able to use the other paid leave under the same conditions for the exception to apply and (2) specifies that "other paid leave" includes unlimited paid time off.

§ 3 — LEAVE USES & DOCUMENTATION

Leave Uses

The act expands the reasons why an employee may use sick leave to include when the employer's place of business or a family member's school or place of care is closed by a public official's order due to a public health emergency.

It also allows for leave if the employee or a family member is under quarantine (i.e., when the employee or family member poses a risk to others' health due to their exposure to a communicable disease, regardless of whether they contracted it). The determination for a quarantine must be made by a health authority with jurisdiction, a health care provider, or the employee's or family member's employer.

The law allows an employee to use paid sick leave for preventative medical care for themselves or a covered family member. The act further specifies that this includes preventative care for mental or physical health.

The law also allows an employee to use paid sick leave if he or she or the employee's child was a victim of family violence or sexual assault and needs leave to do certain things (e.g., get counseling or participate in civil or criminal proceedings). The act additionally allows employees to use the leave if their family member is a victim of family violence or sexual assault and needs to do these same things.

Employee Notice and Documentation

Under prior law, if an employee's need for paid sick leave was foreseeable, an employer could require the employee to provide up to seven days' advance notice. If the leave was not foreseeable, the employer could require notification from employees as soon as practicable. The act eliminates both of these provisions, leaving the law silent on the issue.

If a leave lasts for at least three consecutive days, prior law also allowed employers to require employees to provide documentation to support their reasons for taking leave. The act instead prohibits employers from requiring their employees to provide any documentation that they are taking the leave for a reason allowed by the law.

§ 6 — EMPLOYER NOTICE AND RECORDS

The law requires employers to notify employees about certain provisions of the paid sick leave law when they are hired (e.g., how leave accrues and may be used). Prior law allowed them to meet this requirement by displaying a poster in the workplace, but the act instead requires them to do so. It also requires employers to give each employee written notice about these provisions by January 1, 2025, or when an employee is hired, whichever is later. The act requires the labor commissioner to create a model poster and written notice and make them available to employers on DOL's website.

If the employer does not maintain a physical workplace, or an employee teleworks or works through a web-based or app-based platform, the employer must meet the notice requirement by sending the information through electronic communication or conspicuously posting it on a web-based or app-based platform. The act eliminates a provision in prior law that required the commissioner to administer the notice requirements within available appropriations.

The act requires that employee "pay stubs" include an employee's accrued paid sick time and use for the calendar year. It also requires employers to maintain these paid sick leave records for three years and give the labor commissioner access to them, with appropriate notice and at a mutually agreeable time, to monitor compliance with the act's recordkeeping requirements. Failure to do so is a violation of the act.

As under existing law, employers found by a preponderance of the evidence to have violated these notice and recordkeeping provisions are liable for a civil penalty of up to $100 for each violation (CGS § 31-57v).

Lastly, the act allows the labor commissioner to adopt regulations to implement the paid sick leave law. Prior law only allowed her to adopt regulations about the law's notice requirements.

§ 8 — FY 25 BUDGET-RELATED PROVISIONS

The act requires the labor commissioner to ensure that DOL's necessary wage enforcement duties and responsibilities for the paid sick leave law are performed within available appropriations for FY 25.

It also prohibits the OPM secretary, during FY 25, from reducing any expenditures, allotment requisitions, or allotments in force, as otherwise allowed under the biennial budget act (PA 23-204) and other law, for DOL's wage enforcement agents.

§ 7 — TASK FORCE

The act creates a task force to study establishing a paid sick leave tax credit for employers with five or fewer employees. The task force must study the feasibility of establishing the tax credit, including whether or how to mitigate any expenses these employers incur due to the paid sick leave law. It must submit a report on its findings and recommendations to the Labor and Public Employees Committee by January 1, 2025, and end on that date or when it submits the report, whichever is later.

Under the act, the task force consists of six members, with one appointed by each of the six legislative leaders. Task force members may be state legislators. The appointing authorities must make all initial appointments within 30 days after the act is enacted (i.e., by June 20, 2024) and fill any vacancy.

The act requires the House speaker and Senate president pro tempore to select the task force's chairpersons from among the task force members. The chairpersons must schedule and hold the first meeting within 60 days after the act is enacted (i.e., by July 20, 2024), and the Labor and Public Employees Committee's administrative staff must serve that role for the task force.

BACKGROUND

Family Child Care Providers and PCAs Who Collectively Bargain With the State

State law allows certain family child care providers and PCAs to collectively bargain with the state over their reimbursement rates, benefits, payment procedures, contract grievance arbitration, training, professional development, and other requirements and opportunities. Covered child care providers include those paid by the state's Care 4 Kids program to provide day care in (1) licensed family child care homes or (2) their own homes for the children of neighbors or relatives. Covered PCAs include those who provide personal care assistance to a consumer under a state-funded program (e.g., the Medicaid Acquired Brain Injury Waiver Program, Medicaid Personal Care Assistance Waiver Program for adults with disabilities, or Connecticut Home Care Program for Elders).

Related Act

PA 24-147, § 7, exempts violations of the paid sick leave law from an additional $300 civil penalty imposed for violations of the state's wage and employment regulation laws.

PA 24-102—sSB 220
Labor and Public Employees Committee
Judiciary Committee

AN ACT CONCERNING CLARIFYING THE APPEALS PROCESS UNDER THE PAID FAMILY AND MEDICAL LEAVE STATUTES

SUMMARY: By law, anyone aggrieved by the Paid Family and Medical Leave Authority's denial of program benefits or by the imposition of penalties for certain program-related fraud may appeal to the labor commissioner. The commissioner or her designee (collectively referred to as the Department of Labor (DOL) below) must decide the appeal, and a party aggrieved by DOL's decision may then appeal, within 30 days, to the Superior Court for the Hartford Judicial District or the judicial district where they live.

This act specifies certain procedural steps and other criteria that must be followed in these appeals to the court. Among other things, the act:

1. requires the appealing party to also file the appeal with DOL;
2. specifies what must be included in the record and requires DOL to certify it;
3. sets a process for the appealing party to request corrections for findings in the record;
4. generally limits what the court may consider in the appeal to certain factors (e.g., whether DOL incorrectly applied the law to the facts it found); and
5. specifies what actions the court may take in deciding the appeal.

Existing law, unchanged by the act, also requires DOL to adopt regulations on procedural rules for the disposition of the appeals.

EFFECTIVE DATE: July 1, 2024

APPEALS PROCESS

Filing the Appeal

Under the act, DOL's initial decision becomes final on the 31st calendar day after DOL sends a written copy of it to each party. For timely appeals before then, the appealing party must file the original appeal with DOL and state the grounds for seeking the review. Within 14 calendar days after that, DOL must electronically file or mail the original appeal to the Superior Court clerk and send a copy to each party listed in the appealed decision by mail or electronically through the department's Leave Complaint and Appeal Portal. The clerk must docket the appeal as returned to the next return day after receiving it.

For these appeals, the act requires DOL to certify the record to the court. The record must include (1) the notice of appeal to DOL, (2) the file record, (3) DOL's findings of fact and decision, and (4) any documents submitted to DOL before the appeal was filed. If the court requests it, DOL must also prepare and verify a transcript of the DOL hearing (if one was held).

The act requires the appealing party to claim the appeal for the court's short calendar unless the court orders it to be placed on the trial list. For these proceedings, exceptions to DOL's rulings do not have to have been made or entered, and no bond may be required for entering an appeal to the Superior Court. If one of the parties is not represented by counsel and the appealing party does not claim the case for the short calendar or trial within a reasonable time after the return day, then the court may dismiss the appeal on its own motion, or the party ready to proceed may move for nonsuit or default.

Court Guidelines

Under the act, the court must hear the appeal based upon the certified copy of the record DOL filed. The court cannot retry the facts or hear any evidence other than DOL's certified record. The court must limit its review to determining whether (1) DOL's findings should be corrected or (2) there is any evidence in the record to support in law the conclusions reached. The court cannot substitute its judgment for DOL's about the weight of the evidence on questions of fact. It may only determine whether (1) DOL's decision incorrectly applied the law to the facts found or (2) the decision is clearly erroneous and could not have reasonably or logically followed from the evidence in DOL's certified record. The court may only correct DOL's findings if (1) DOL refused to find a material fact that was an admitted or undisputed fact, (2) the finding of a fact is in language of doubtful meaning so that its real significance may be unclear, or (3) DOL found a material fact without evidence.

Motions to Correct Findings

The act allows an appealing party to request that a DOL finding be corrected on appeal by filing a motion for the correction with DOL within 14 calendar days after the record has been filed in the Superior Court, unless DOL extends the deadline for cause. The motion must include portions of the evidence the appealing party deems relevant and material to the corrections requested. DOL must file the motion and its decision with the court within a reasonable time upon receiving it. If the court denies the motion in whole or in part, and the denial is appealed, DOL must, within a reasonable time, file copies of evidence filed by the appealing party and any additional evidence that may have been brought before DOL.

Court Decisions

Under the act, unless the court orders otherwise after a motion and hearing, the court's final decision must be the

decision for all parties to the original proceeding before DOL. When an appeal is taken to the Superior Court, the court clerk must (1) notify DOL in writing about any action the court takes on it and the appeal's disposition, whether by judgment, remand, withdrawal, or otherwise, and (2) give DOL a copy of the decision when the appeal is decided.

The act allows the court to remand the case to DOL for (1) proceedings de novo (from the beginning), (2) further proceedings on the record, or (3) any limited purposes the court may set. The court may keep jurisdiction by ordering that the proceedings conducted under the court's order be returned to the court, or it may order final disposition. A party aggrieved by a final disposition made in compliance with a Superior Court order may ask the court to review the case's disposition by filing an appropriate motion.

Any party aggrieved by the Superior Court's decision may appeal it to the state Appellate Court just as the law allows for administrative appeals.

PA 24-147—HB 5267
Labor and Public Employees Committee

AN ACT MAKING CHANGES TO AND REPEALING OBSOLETE PROVISIONS OF STATUTES RELEVANT TO THE LABOR DEPARTMENT

SUMMARY: This act makes various unrelated changes in the labor statutes.

The law broadly allows the Department of Labor (DOL) to impose a $300 civil penalty for violations of the state's wage and employment regulation laws, in addition to any penalties specified in those laws. The act exempts violations of the state's paid sick leave law from this additional $300 civil penalty, leaving them subject only to the penalties set in the paid sick leave law (i.e., generally, up to $100 per violation but $500 for certain prohibited retaliatory personnel actions, in addition to specified other relief that DOL may order) (§ 7).

The act also imposes a $600 civil penalty for each violation of the laws requiring employers to (1) give employees written or electronic "pay stubs" with their earnings and deductions (CGS § 31-13a) and (2) have an easily visible, synchronized clock if they use a time card system, recording clock, or other device to record the work time of employees (CGS § 31-13b) (§ 7). Under prior law, these violations were subject to the general $300 civil penalty for violations of the employment regulation laws.

The act explicitly authorizes the labor commissioner to enter contracts as needed for all programs, activities, services, and grants under DOL's jurisdiction. These include contracts for (1) employment and training programs and (2) applying for and using, administering, or repaying any federal funds made available or allotted under federal law. The act also specifies that the commissioner's statutorily defined powers and duties are in addition to, and do not limit, any other powers and duties given to the commissioner in other statutes (§ 1).

Existing law generally requires employers to file quarterly employee wage reports with DOL for unemployment tax purposes, and starting in the third calendar quarter in 2026, employers may also include in these reports an employee's occupation, hours worked, and a zip code. The act requires this zip code to be for the employee's primary worksite, rather than the employer's mailing address (§ 2).

The act repeals a requirement for the Occupational Health Clinics Advisory Committee to annually report to the governor and legislature on ways to coordinate activities among occupational health clinics and disclose research and data collection results, among other things (§ 3). It also repeals requirements for the labor commissioner to adopt regulations on:

1. investigations into complaints about nonpayment of wages or prevailing wages and related stop work orders (§ 4);
2. employers who acquire the assets, organization, trade, or business of another employer solely or primarily to lower their unemployment taxes (§ 5); and
3. exceptions to the state's overtime pay requirement (§ 8).

Lastly, the act (1) repeals a law that generally required certain businesses to maintain their employees' health insurance if the business relocates or closes, as the requirement is preempted by the federal Employee Retirement Income Security Act (§ 8) and (2) makes conforming changes (§ 6).

EFFECTIVE DATE: Upon passage, except that the provision on the penalties for violations of the paid sick leave, pay stub, and time card laws (§ 7) is effective January 1, 2025.

BACKGROUND

Related Act

PA 24-8 expands the state's paid sick leave law in numerous ways by, among other things, (1) covering nearly all private sector employees, instead of only certain types of "service workers"; (2) covering nearly all private sector employers with at least 25 employees in 2025, those with at least 11 employees in 2026, and then those with at least one employee in 2027; and (3) setting employer recordkeeping requirements that require employee "pay stubs" to include an employee's accrued paid sick time and use for the calendar year.

PA 24-25—SB 226 **(VETOED)**
Planning and Development Committee

AN ACT INCREASING THE THRESHOLD FOR SEALED BIDDING ON CERTAIN MUNICIPAL CONTRACTS

SUMMARY: This act would have increased, from $25,000 to $50,000, the maximum value of contracts or purchases that a municipality may exempt, by ordinance, from its sealed bidding requirements.

By law, municipalities may adopt ordinances establishing competitive bidding requirements for awarding contracts or buying real or personal property, regardless of their charters or special acts. These ordinances may exempt contracts or purchases valued at less than a specified amount from sealed bidding requirements, except when the statutes require sealed bids.

EFFECTIVE DATE: October 1, 2024

PA 24-51—sSB 333
Planning and Development Committee

AN ACT CONCERNING LOCAL CHARTER REVISIONS

SUMMARY: Existing law prohibits municipalities from amending their charters to modify four specified topics governed by titles 7 or 8 (i.e., state statutes on municipal powers and planning and zoning matters, among others). This act creates exceptions to three of these prohibitions.

Specifically, by law, municipalities may not modify by charter amendment:

1. voting requirements to start or complete an eminent domain process, including any public notice or hearing requirements;
2. voting requirements to dispose of municipal property, including any public notice or hearing requirements;
3. regulations on the planning commission, zoning commission, or combined planning and zoning commission (each referred to below as "commission"); and
4. requirements for filing petitions with the local legislative body or zoning board of appeals to challenge a commission decision (e.g., how signatures are collected, the number of signatures required, or residency requirements for signers).

Under the act, a municipality that, before July 1, 2023, adopted a voting threshold for eminent domain processes or municipal property disposal (as described in 1 & 2 above) that is greater than a simple majority may (1) continue to enforce that threshold and (2) reduce it, but not below a simple majority. However, the municipality may not increase the threshold if doing so would violate the law's prohibition on certain charter amendments.

The act additionally allows municipalities to amend regulations on commissions (as described in 3 above) to establish (1) their composition, so long as doing so complies with existing laws on planning commissions and zoning commissions, and (2) separate planning and zoning commissions or combine separate ones into one commission. It also makes technical changes.

EFFECTIVE DATE: October 1, 2024

PA 24-55—SB 224
Planning and Development Committee

AN ACT REQUIRING NOTICE OF REVALUATION TO CERTAIN OWNERS OF RESIDENTIAL BUILDINGS WITH DEFECTIVE CONCRETE FOUNDATIONS

SUMMARY: Existing law allows a residential property owner with a foundation made from defective concrete to ask the municipal assessor to inspect the property and reassess it to reflect its current (i.e., diminished) value. This adjusted assessment applies until the next revaluation takes effect or the foundation is repaired or replaced, whichever comes first.

This act requires assessors to give these property owners at least 90 days' written notice before the next revaluation starts that their properties will be assessed during the revaluation. By law, unchanged by the act, these properties' assessments must be updated with each revaluation to reflect their current value.

The act also makes minor and technical changes.

EFFECTIVE DATE: July 1, 2024

PA 24-90—HB 5171
Planning and Development Committee

AN ACT CONCERNING THE WAIVER OF INTEREST ON CERTAIN DELINQUENT PROPERTY TAX PAYMENTS

SUMMARY: This act requires, rather than allows, municipal tax collectors to waive interest on delinquent property taxes when the collector and assessor jointly find that the delinquency was because of a mistake by one of them and not the taxpayer's action or failure. It also requires the municipality's legislative body (or board of selectmen if the legislative body is a town meeting) to approve these waivers and makes a conforming change.
EFFECTIVE DATE: October 1, 2024, and applicable to assessment years starting on or after that date.

PA 24-98—SB 336
Planning and Development Committee

AN ACT CONCERNING THE METROPOLITAN DISTRICT OF HARTFORD COUNTY'S INDEPENDENT CONSUMER ADVOCATE

SUMMARY: By law, the consumer counsel must appoint an independent consumer advocate to advocate for and represent Metropolitan District Commission (MDC) customers in matters that may affect them (e.g., rates, water quality, water supply, and wastewater service quality). This act increases, from $50,000 to $70,000, the maximum annual amount MDC must pay for the consumer advocate's costs. As under existing law, MDC's board may approve additional funds if the advocate demonstrates substantial need for them.

The act expands who can qualify as the consumer advocate to include a Connecticut attorney with legal experience in municipal, environmental, or public utility law and policy, rather than one with private legal experience in public utility law and policy. It also removes the requirement that the consumer counsel appoint the advocate by November in advance of the advocate's two-year term, which under the act starts January 1 in odd-numbered, rather than even-numbered, years. The act gives the consumer counsel discretion to change the advocate's term length, start date, and expiration date if there is a vacancy or it is in MDC's consumers' best interests.

The act also makes technical changes.
EFFECTIVE DATE: July 1, 2024

PA 24-132—sHB 5273
Planning and Development Committee

AN ACT CONCERNING THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL POLICY AND PLANNING DIVISION WITHIN THE OFFICE OF POLICY AND MANAGEMENT, AUDITS AND MUNICIPAL FINANCE

SUMMARY: This act:

1. makes various changes to the Municipal Accountability Review Board (MARB) law, including changing the procedure for designating municipalities referred by the Office of Policy and Management (OPM) to the Municipal Finance Advisory Commission (MFAC) as tier I municipalities and modifying the criteria and procedure used for determining whether a municipality retains its tier designation (§§ 13-16);
2. makes various changes to the regional performance incentive program (RPIP), including its application requirements and selection criteria (§ 7);
3. changes the renters' rebate program's deadlines for filing and processing applications and eliminates the ability to apply to OPM for an extension (§§ 8 & 9);
4. reduces, from 25% to 20%, the minimum revaluation phase-in factor for municipalities opting to phase in a portion of a revaluation increase, which allows them to phase-in up to 80%, rather than 75%, over a maximum of five

assessment years (§ 5);

5. limits the discretionary state funding applications to which municipalities must attach a letter if they have not updated their local plans of conservation and development (C&D) (§ 6); and
6. amends the law on municipal audits to, among other things, (a) increase the maximum civil penalty the OPM secretary can assess a municipality, regional school district, audited agency, or auditor that misses the audit filing deadline and (b) allow him to assess the penalty by reducing state grants awarded to the entity (§ 17).

The act also makes the following changes to conform to existing OPM practice:

1. shifts, from municipal tax collectors to assessors, the requirement to certify to OPM the revenue loss associated with the property tax exemption for totally disabled homeowners (§ 1) and
2. requires the annual statements municipal and special taxing district tax collectors provide to OPM on their mill rate and tax levy to be based on data for the ensuing, rather than preceding, fiscal year, beginning with the FY 25 statements (§§ 2 & 3).

It also extends this annual mill rate and tax levy reporting requirement to municipal special services districts and subjects them to the same $100 fine for failing to file a true and correct statement that applies to special taxing districts under existing law (§ 4).

Lastly, the act eliminates an obsolete (1) state grant program designed to provide formula grants to municipalities to address urban problems and (2) provision on allocating payment in lieu of taxes grants for the Torrington courthouse (§§ 10 & 18).

EFFECTIVE DATE: July 1, 2024, except that the provisions on annual mill rate and tax levy reporting to OPM are effective upon passage and the revaluation phase-in provisions are applicable to assessment years beginning on or after October 1, 2024.

§ 5 — REVALUATION PHASE-INS

State law allows municipalities to phase in post-revaluation assessment increases in property values over a period of up to five years. When a revaluation is phased in, the real property assessment represents less than 70% of the property's revalued fair market value for each year of a phase-in term. Phase-ins give taxpayers time to adjust to assessment increases after a revaluation.

Existing law gives municipalities four options for phasing in revaluations, including one option that phases-in just a portion of the increase in values or the overall rate at which they increased. Under prior law, if a municipality chose this option, it could phase in no more than 75% of either increase. The amount or portion the town phases in is called the "phase-in factor," and the town must uniformly apply it to all types of property. The act reduces the minimum phase-in factor from 25% to 20%, which in turn allows municipalities to phase in up to 80%, rather than 75%, of either increase over a maximum of five assessment years.

In practice, OPM applies this factor to all revaluation phase-ins, regardless of whether they phase in all or part of the revaluation increase. Based on this practice, municipalities may only phase in revaluation increases for up to four years with a minimum phase-in factor of 25% per year. So, reducing the phase-in factor from 25% to 20% allows towns to phase in a revaluation for up to five years. The law, however, already allows towns to phase in revaluation increases for up to five years.

§ 6 — DISCRETIONARY STATE FUNDING APPLICATIONS

Under prior law, any municipality that failed to update its plan of C&D every 10 years had to (1) submit a letter to specified state officials explaining why it was not amended and (2) include a copy of this letter in each application for discretionary funding it submits to any state agency. The act limits the funding applications for which municipalities must attach this letter to those that exceed $25,000.

By law, unchanged by the act, municipalities that fail to update their plans of C&D or submit the letter described above are disqualified from receiving discretionary state funds unless the OPM secretary waives this provision.

§ 7 — RPIP

Eligible Purposes

The act expands the eligible purposes for which OPM may award RPIP grants to include services that two or more participating municipalities or boards of education can provide on a regional and ongoing basis, rather than services that one or more of these entities currently provide but not on a regional basis. By law, eligibility for RPIP grants is limited to

councils of governments (COG) and regional educational services centers (RESC).

As under existing law, OPM may also award the grants for (1) redistributing specified state grants to municipalities according to regional priorities, (2) regional revenue sharing among municipalities that have entered certain agreements to do so, and (3) qualifying regional special education initiatives.

Application Requirements

By law, applicants must include certain information about the proposal and its projected benefits and implementation plan as part of their RPIP applications. The act makes the following changes to this required information:

1. requires applicants to include an estimate of the proposal's anticipated savings or costs that will be avoided during the grant award period and in future fiscal years, rather than the amount by which participating municipalities will reduce their mill rates as a result of these savings;
2. requires that the implementation plan for the proposed regional service or initiative address any potential growth or reduction in participation rates during the grant award period; and
3. specifies that it include a copy of an acknowledgment, rather than an acknowledgment itself, from any employee organization (e.g., labor union) potentially impacted by the proposal that it was informed and consulted about it.

By law, the proposal must also include a resolution endorsing the proposal from the COG's or RESC's governing body. Under prior law, this resolution had to state that the entity would fund at least 25% of the proposal's first year costs and all of its costs by the fourth year. The act instead requires that the resolution affirm that the entity will fund an increasing proportion of the proposal's costs during the grant award period, including 50% of the proposal's costs by the end of this period and all of its costs afterwards.

Selection Criteria

Prior law required the OPM secretary to award grants to proposals that he determined best met specified criteria, including that the project demonstrate, compared to existing service delivery, increased capacity and efficiency, a cost benefit to members, increased cost savings, and a diminished need for state funding. The act instead requires that the secretary award grants to proposals that best reduce municipal and state costs, enhance service delivery capacity, or improve the level of service provided compared to having it delivered at the local level.

Required Report to the Legislature

The act requires the OPM secretary, in his annual report to the legislature on RPIP, to describe the local or state cost savings, rather than property tax reductions, achieved by the program.

§§ 8 & 9 — RENTERS' REBATE PROGRAM

The act advances the application deadline for the renters' rebate program by one day, from October 1 to September 30, and eliminates the ability to apply to OPM for an extension by November 15 of the claim year. Under prior law, the OPM secretary could grant an extension (1) for good cause or (2) if the applicant provided a certificate (signed by a qualifying medical professional) that he or she was ill or incapacitated because of extenuating circumstances.

By law, unchanged by the act, local officials must forward the rebate applications to the OPM secretary by the end of the month following the month in which the renter applied. By advancing the application deadline to September 30, the act also pushes up the deadline for towns to forward applications to OPM from November 30 to October 31.

The act correspondingly pushes back, from October 15 to November 15, the date by which OPM must make a list of approved applications and forward them to the comptroller for payment. By law, unchanged by the act, the comptroller must draw an order on the state treasurer within 15 days after receiving the list of approved payments from OPM.

Lastly, the act makes a conforming change by eliminating a requirement that renters apply for the rebate within a year after the year for which they are requesting the grant.

§§ 11 & 12 — AUDITS OF NONSTATE ENTITIES

By law, municipalities and other nonstate entities that spend substantial amounts of state funding during a fiscal year must undergo a single audit (i.e., an audit that generally covers the entity's financial statements and state assistance) or a program-specific audit (i.e., an audit of a single state program). The act increases, from $300,000 to $500,000, the amount of state financial assistance a nonstate entity can spend in its fiscal year before it becomes subject to this audit requirement

and related laws. The increased threshold applies to fiscal years starting on or after July 1, 2024.

By law, state agencies assigned to oversee these audits may extend the deadline for nonstate entities to file copies of their audits under certain conditions. The act limits the maximum extension they can approve to 12 months after the end of the fiscal year to which the audit applies. By law, the OPM secretary can assess a civil penalty of between $1,000 and $10,000 for failing to file an audit report by the deadline (six months after the entity's fiscal year-end or within the time granted by the agency), but he can waive all penalties if he determines there is reasonable cause.

By law, the audit requirements for recipients of state financial assistance apply to municipalities, tourism districts, nonprofit agencies (including private colleges and universities), special taxing districts, the Metropolitan District Commission, local and regional school boards, COGs, and other political subdivisions or municipally created or designated agencies receiving more than $1 million in annual revenue (CGS § 4-230).

§§ 13-17 — MFAC AND MARB

Designation as Tier I Municipality

The act gives MFAC discretion to designate a municipality referred to it by OPM as a tier I municipality, rather than automatically designating these referred municipalities as tier I. Under the act, MFAC must base its decision on an evaluation of the municipality's financial condition and practices. As under existing law, designated tier I municipalities must prepare and present a five-year financial plan to MFAC for its review and approval.

By law, OPM must refer a municipality to MFAC if it (1) was not referred previously (e.g., because of evidence of unsound or irregular financial practices or specified deficiencies in its audit report) and (2) meets one of several fiscal distress criteria (e.g., if it has a negative fund balance, reported a fund balance percentage of less than 5% in the three immediately preceding fiscal years, or received a bond rating below A).

Conditions for Retaining Tier Designation

The act changes the criteria for determining whether a municipality retains its tier designation. Under prior law, a municipality in any tier retained its designation (regardless of any positive changes in the factors that led to its designation) until it met the following four criteria in the fiscal years after its designation:

1. it had no audited general fund operating deficits for two consecutive fiscal years;
2. its bond rating either improved or remained unchanged since its most current designation;
3. it presented, and either MFAC or MARB approved, a financial plan that projects a positive fund balance for the next three fiscal years, with a positive fund balance of at least 5% projected for the third fiscal year; and
4. its audits for these three years have been completed and have no general fund deficit.

The act eliminates these requirements for tier I municipalities and instead requires that they retain their designation until MFAC unanimously votes to end it based on its evaluation of the municipality's financial condition and practices.

For tier II, III, and IV municipalities, the act authorizes MARB to determine whether a municipality must retain its designation, and allows MARB to do so at its own discretion or at a municipality's request. MARB must do so using the criteria described above, with the following changes:

1. additionally requires that the municipality have a long-term bond rating from one or more rating agencies that is investment grade or higher,
2. additionally requires that (a) each fiscal year of the municipality's approved financial plan be based on recurring revenue and expenses and (b) the plan exclude funding received as contract assistance or from the Municipal Restructuring Fund,
3. requires the audits to report an audited fund balance for the municipality's general fund of at least 5%, and
4. additionally requires that there be no evidence that the municipality has engaged in unsound or irregular financial practices related to commonly accepted municipal finance standards.

Under the act, if MARB determines that a municipality meets these criteria, the OPM secretary must end the municipality's designation or redesignate it to a lower tier, but not tier I. (This effectively allows MARB to redesignate only tier III and IV municipalities to a lower tier.) The secretary must do this at his discretion and considering the municipality's fiscal condition and state's best interests. Within 60 days after MARB's determination, the OPM secretary must notify the municipality about his decision to redesignate or end the municipality's designation. A municipality must keep its existing designation until it receives this notice. If the secretary does not provide it within the 60-day period, the municipality's tier designation terminates on the next day.

Any tier III or IV municipality redesignated to a lower tier (1) must meet the statutory requirements for that tier and (2) may only ask MARB to determine whether it should be ended after a year has passed.

Municipal Restructuring Fund

By law, the Municipal Restructuring Fund gives financial assistance to designated tier II, III, and IV municipalities. 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.

The act authorizes (1) the OPM secretary to distribute money from the Municipal Restructuring Fund to a third party on behalf of a designated tier II, III, or IV municipality and (2) these funds to be used to pay an arbitrator selected under MARB's existing binding arbitration requirements.

Tier IV Designation

The act expands the criteria MARB must use in determining whether to designate a tier III municipality as a tier IV municipality to include whether there is evidence of unsound or irregular financial practices related to commonly accepted municipal finance standards that MARB believes may materially affect the municipality's financial condition.

As under existing law, MARB may designate a tier III municipality as a tier IV municipality based on its finding that the municipality's fiscal condition warrants it, based on its evaluation of specified criteria (e.g., the municipality's reserve fund balance, liabilities, economic outlook, access to capital, and budget projections for the next five years).

§ 17 — MUNICIPAL AUDITING ACT

By law, municipalities, regional school districts, and other local and regional entities (i.e., audited entities) must have their financial statements and accounts audited by an independent auditor at least once every year and submit the audit reports to various local officials and the OPM secretary. (These audited entities include special taxing districts, municipal utilities, the Metropolitan District Commission, regional councils of government, and other local entities with more than $1 million in annual revenues.) The act makes the following changes to these auditing requirements:

1. limits the amount of additional time the OPM secretary may grant an audited entity to file its required audit report to six months from the date it was due;
2. increases, from three to five years after the filing date, the length of time auditors must preserve the working papers they used to prepare the audit and make them available to OPM for inspection;
3. increases, from $10,000 to $50,000, the maximum civil penalty the OPM secretary can assess an entity or auditor that misses the filing deadline; and
4. allows the secretary to assess the penalty as a reduction in one or more grants he awards to the entity, including a payment in lieu of taxes (PILOT) grant.

Under prior law, this civil penalty had to be between $1,000 and $10,000. By law, unchanged by the act, the secretary can waive the penalty for reasonable cause if the auditor or an official of the audited entity request it in writing.

PA 24-143—HB 5474
Planning and Development Committee

AN ACT CONCERNING MUNICIPAL APPROVALS FOR HOUSING DEVELOPMENT, FINES FOR VIOLATIONS OF LOCAL ORDINANCES, REGULATION OF SHORT-TERM RENTALS, RENTAL ASSISTANCE PROGRAM ADMINISTRATION, NOTICES OF RENT INCREASES AND THE HOUSING ENVIRONMENTAL IMPROVEMENT REVOLVING LOAN AND GRANT FUND

TABLE OF CONTENTS:

§ 3 — CONVERSIONS OF NURSING HOMES TO MULTIFAMILY HOUSING

Generally requires municipalities to allow vacant nursing homes to be converted to multifamily housing as long as they comply with zoning regulations and do not substantially impact public health and safety

§ 4 — SURPLUS STATE PROPERTY AS LOW- AND MODERATE-INCOME HOUSING

Requires OPM, when considering proposals for state surplus property, to prioritize any DOH plans to use the property for low- and moderate-income housing

§ 5 — MUNICIPAL BLIGHT PENALTIES

Bases the maximum penalties municipalities may impose for blight violations in certain types of property on their square footage, rather than a flat amount

§ 6 — FIXED ASSESSMENTS

Expands the ability of municipalities to freeze property tax assessments by (1) increasing the maximum duration of a freeze from 10 to 30 years and (2) allowing them to freeze the assessments on personal property, rather than only real property

§ 7 — SHORT-TERM RENTAL PROPERTIES

Explicitly authorizes municipalities to (1) adopt ordinances regulating the operation and use of short-term rental properties and requiring their licensure and (2) hire consultants to help them develop these ordinances

§ 8 — MUNICIPAL LIENS FOR UNPAID ZONING VIOLATION FINES

Makes unpaid fines imposed under municipal ordinances for violating local zoning regulations a lien on the affected real estate

§ 9 — ASSESSMENT OF CERTAIN AFFORDABLE HOUSING

Requires municipalities to assess properties used as housing only for low- or moderate-income households based on the capitalized value of net rental income

§§ 10-12 — MIDDLE HOUSING DEVELOPED AS OF RIGHT

Awards municipalities points towards a moratorium under the 8-30g appeals procedure for each dwelling unit built in middle housing developed as of right if they have adopted zoning regulations allowing these types of developments

§ 13 — RAP MAXIMUM RENT LEVELS

Requires DOH, when setting maximum RAP rent levels, to use the fair market rent figure under the federal HCV program if it is higher than RAP's maximum allowable rent for the housing unit

§ 14 — TAX INCREMENT DISTRICT FUNDING FOR AFFORDABLE HOUSING RENOVATION

Authorizes municipalities to use tax increment district funds to renovate certain 8-30g deed-restricted affordable housing in exchange for the owner renewing the development's affordability restrictions

§ 15 — RAP REPORTING REQUIREMENTS

Expands the information that the DOH commissioner must include in her annual reports on RAP assistance

§§ 16 & 17 — NOTICE OF RENT INCREASES

Requires landlords to give residential tenants at least 45 days' written notice of proposed rent increases, or an amount of notice that equals the full length of the lease for tenants with lease terms of one month or less

§ 18 — HOUSING CHOICE VOUCHER PROGRAM TASK FORCE

Establishes a task force to study the federal HCV program and its implementation in the state, including any disparate impacts the program has on the development of at-risk children and youth or families

§§ 19 & 20 — HOUSING ENVIRONMENTAL IMPROVEMENT LOAN AND GRANT FUND AND RETROFIT PILOT PROGRAM

Expands DEEP's multifamily housing retrofit pilot program by, among other things, allowing (1) it to offer grants in addition to loans and (2) the department to contract with quasi-public agencies to administer the fund that finances the program; limits the amount of bond funding DEEP may use for the grants; delays the program's implementation date by one year

§ 21 — VACANT LOTS

Exempts certain vacant lots in subdivisions and resubdivisions from changes to municipal zoning regulations and maps

§ 22 — MORATORIA FROM 8-30G APPEALS PROCEDURE

Allows eligible units completed before a municipality's 8-30g moratorium began, but that were not counted toward establishing the moratorium, to be counted toward qualifying for a subsequent moratorium

SUMMARY: This act makes various changes relating to housing development, rental housing, and blight and zoning requirements. A section-by-section analysis follows.
EFFECTIVE DATE: Various; see below.

§ 1 — MUNICIPAL REPORTS TO DECD ON HOUSING PERMITTING APPLICATIONS

Requires DECD to annually send each municipality an optional questionnaire on the number of residential building permit applications it approved and denied, including the number of proposed units

The act requires the Department of Economic and Community Development (DECD) commissioner to annually send each municipality a questionnaire on residential permit applications (i.e., subdivision, zoning permit, special permit, or site plan applications needed to build or renovate one or more dwelling units), which the municipality may choose to complete and return to the commissioner. The department must publish returned questionnaires on its website.

The questionnaire must include certain questions about residential permit applications submitted to or reviewed by the municipality's planning commission, zoning commission, or combined planning and zoning commission. Specifically, it must ask about the number of (1) permit applications submitted to these commissions, including the number of units they proposed building or renovating; (2) approved applications and proposed units; and (3) denied applications and proposed units. It must also include any other information about permit applications the DECD commissioner requests.

By law, every municipality must annually report by March 31 to DECD on the number of (1) new dwelling units permitted, including whether they are in single-family, two-to-four-family, or larger multifamily properties, and (2) dwelling units demolished. Under the act, the commissioner must send the residential permit applications questions as a supplemental questionnaire.
EFFECTIVE DATE: October 1, 2024

§ 2 — DESIGN REVIEW PROCESS STUDY

Requires the majority leaders' roundtable group on affordable housing to study municipal design review processes required for residential developments and report its findings and recommendations to the legislature

PA 23-207, § 36, established the 24-member majority leaders' roundtable group on affordable housing and required it to study various topics related to promoting and developing affordable housing in the state. The act requires this group to do a separate study on municipal design review processes required for residential developments and, by January 1, 2025, report its findings and recommendations to the Planning and Development and Housing committees. The study must at least do the following:

1. analyze the current required design review processes and their impact on affordable housing's cost and development time;
2. identify barriers within these processes that may hinder building or renovating affordable housing; and
3. examine successful models from other jurisdictions that have streamlined, modified, or eliminated these processes for affordable housing.

By law, and under the act, "affordable housing" is that for which households earning no more than the federally determined area median income pay 30% or less of their annual income.
EFFECTIVE DATE: Upon passage

§ 3 — CONVERSIONS OF NURSING HOMES TO MULTIFAMILY HOUSING

Generally requires municipalities to allow vacant nursing homes to be converted to multifamily housing as long as they comply with zoning regulations and do not substantially impact public health and safety

The act requires municipalities that exercise their zoning powers under the statutes (rather than a special act) to allow eligible nursing homes to be converted to multifamily housing, subject only to a "summary review" (see below). To be eligible, the (1) nursing home must be a freestanding structure and not a nonconforming use and (2) owner must declare in writing to the municipality that the home has been vacant for at least 90 days immediately before the summary review application was submitted.

Additionally, the nursing home conversion must not result in the structure's total demolition or in substantial alteration of its footprint. If it does, the act allows the municipality to take a discretionary zoning action (e.g., a public hearing, variance, special permit, or special exemption).

The act requires the municipality's planning, zoning or combined planning and zoning commission to review and decide on each application within 65 days after receiving it, but the applicant may agree to extensions of up to an additional 65 days or withdraw its application.

Under the act, a "summary review" allows an application to be approved without requiring a public hearing, variance, special permit or exception, or any other discretionary zoning action, except for a determination that a site plan conforms with the applicable regulations, if it complies with zoning regulations (i.e., is allowed "as of right") and will not substantially impact public health and safety.
EFFECTIVE DATE: October 1, 2024

§ 4 — SURPLUS STATE PROPERTY AS LOW- AND MODERATE-INCOME HOUSING

Requires OPM, when considering proposals for state surplus property, to prioritize any DOH plans to use the property for low- and moderate-income housing

By law, the Office of Policy and Management (OPM) secretary must notify state agencies (including departments and institutions) when state-owned land is available (CGS § 4b-21(b)). If an agency determines it can use the land for an agency-specific purpose, it must notify the secretary in writing within 30 days after receiving the notification and submit a plan for the land's use. The act specifically requires the Department of Housing (DOH) to submit such a plan if it determines that the land can be used to construct, rehabilitate, or renovate housing for people with low and moderate incomes.

Existing law requires the secretary to analyze any submitted plans to determine whether the land should be transferred to a submitting agency. The act requires him to prioritize the review of any DOH plan for low- or moderate-income housing as described above. It requires the secretary to grant the transfer to DOH or state in writing any reason why the transfer is not feasible.
EFFECTIVE DATE: October 1, 2024

§ 5 — MUNICIPAL BLIGHT PENALTIES

Bases the maximum penalties municipalities may impose for blight violations in certain types of property on their square footage, rather than a flat amount

By law, municipalities may adopt blight ordinances that may be enforced through civil penalties the municipality sets, up to a maximum daily amount. The act sets a new maximum penalty structure for certain residential properties and commercial properties.

Under prior law, the maximum amounts were the same for commercial and residential properties and depended on (1) whether the property was occupied or vacant and (2) the number of violations within a 12-month period. The act retains prior law's maximum penalties for residential properties with six or fewer units but sets different penalties for residential properties with seven or more units and commercial properties. These penalties are instead based on the building's size (expressed as an amount per square foot). The table below compares, for each property type, the maximum daily penalties municipalities may set under prior law and the act.

Maximum Daily Blight Penalty

Building Type	*Prior Law*	*The Act*
Residential (six or fewer units)		
Occupied	$150	$150
Vacant	250	250
Third or subsequent violation	1,000	1,000
Residential (7 to 39 units)	Same as above	10 cents per sq. ft.
Residential (40+ units)	Same as above	12 cents per sq. ft.
Commercial	Same as above	10 cents per sq. ft.

EFFECTIVE DATE: October 1, 2024

§ 6 — FIXED ASSESSMENTS

Expands the ability of municipalities to freeze property tax assessments by (1) increasing the maximum duration of a freeze from 10 to 30 years and (2) allowing them to freeze the assessments on personal property, rather than only real property

A property tax incentive under existing law allows municipalities to enter into an agreement with a taxpayer to freeze the assessed value of property developed or being developed for specified purposes. Freezing an assessment keeps the property's taxable value the same for a set period even if improvements or other factors increase its value (which would generally increase the taxes owed on it).

The act increases, from 10 to 30 years, the maximum period municipalities may freeze real property assessments (i.e., land and buildings, including the air space above) and also authorizes them to freeze assessments on personal property.

Under this law, municipalities may freeze the assessments only on property used for specified purposes, including for office, retail, or manufacturing uses; warehouse, storage, or distribution; structured multilevel parking supporting a mass transit system; information technology; recreation facilities; transportation facilities; mixed use; and health systems.
EFFECTIVE DATE: October 1, 2024

§ 7 — SHORT-TERM RENTAL PROPERTIES

Explicitly authorizes municipalities to (1) adopt ordinances regulating the operation and use of short-term rental properties and requiring their licensure and (2) hire consultants to help them develop these ordinances

The act explicitly authorizes municipalities, by vote of their legislative bodies, to adopt an ordinance regulating the operation and use of short-term rental properties and requiring their licensure. It also allows municipalities to hire consultants to help them develop these ordinances.

Under the act, short-term rental properties are dwelling units or portions of them that are (1) the subject of a short-term rental (i.e., the transfer, for consideration, of occupancy in a furnished residence or similar accommodation for 30 days or less) and (2) not a hotel, bed and breakfast, motel, motor court, motor inn, or tourist court.
EFFECTIVE DATE: October 1, 2024

§ 8 — MUNICIPAL LIENS FOR UNPAID ZONING VIOLATION FINES

Makes unpaid fines imposed under municipal ordinances for violating local zoning regulations a lien on the affected real estate

By law, municipalities may adopt ordinances establishing penalties for violating local zoning regulations with fines of up to $150 for each day the violation continues. The act makes unpaid fines imposed under these municipal ordinances a lien on the affected real estate from the date of the fine, just as existing law provides for unpaid blight fines. The lien takes precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes. It can be continued, recorded, enforced, and released in the same way as a property tax lien.
EFFECTIVE DATE: October 1, 2024

§ 9 — ASSESSMENT OF CERTAIN AFFORDABLE HOUSING

Requires municipalities to assess properties used as housing only for low- or moderate-income households based on the capitalized value of net rental income

The act requires municipalities to assess properties used as housing only for low- or moderate-income households based on the capitalized value of "net rental income," rather than fair market value, if the property's rents or carrying charges are regulated by the federal or state government (or limited by a government agreement). Prior law explicitly required municipalities to do so only if they adopted an ordinance classifying the property as this type of housing for tax abatement purposes (see *Background — Tax Abatement for Low- or Moderate-Income Housing*). By law, housing only for low- or moderate-income households is (1) built or rehabilitated with government assistance and (2) subject to certain government regulation restricting occupancy based on household income limits (CGS § 8-202).

Under the act, "net rental income" is the gross income of a property described above as limited by rents and carrying charges, minus reasonable operating expenses and property taxes. In other words, under the act, municipalities must assess these properties based on actual rent received.

The law otherwise generally requires assessors to use each of the following three methods to determine rental properties' fair market value:

1. replacement cost less depreciation, plus the land's market value;
2. capitalization of net income based on market rent for similar property; and
3. comparable sales.

But this general requirement does not apply to (1) owner-occupied residential properties with six or fewer units and (2) certain federally or state-subsidized housing (CGS § 12-63b).

EFFECTIVE DATE: October 1, 2024

Background — Tax Abatement for Low- or Moderate-Income Housing

The law allows municipalities to adopt ordinances (1) reducing all or part of the property taxes on housing only for low- or moderate-income households and (2) classifying properties as eligible for abatement. The abatement must be made under a contract between the municipality and the housing's owner that, among other things, specifies how the owner will use the money saved from the abatement (CGS § 8-215). It also allows DOH to enter into contracts with municipalities to reimburse them for the abatements (CGS § 8-216).

§§ 10-12 — MIDDLE HOUSING DEVELOPED AS OF RIGHT

Awards municipalities points towards a moratorium under the 8-30g appeals procedure for each dwelling unit built in middle housing developed as of right if they have adopted zoning regulations allowing these types of developments

The act expressly lets municipal zoning regulations (adopted under the state's Zoning Enabling Act) allow for middle housing developed "as of right" on lots allowing for residential use, commercial use, or mixed-use development. For any municipality that adopts these types of zoning regulations, it also awards points towards a moratorium under the CGS § 8-30g affordable housing land use appeals procedure ("8-30g appeals procedure") for each dwelling unit in middle housing developed as of right.

By law, middle housing is duplexes, triplexes, quadplexes, townhouses, and cottage clusters. Housing developed as of right may be approved if it complies with zoning regulations, without requiring a public hearing, variance, special permit or exception, or any other discretionary zoning action, except for a determination that a site plan conforms with the applicable regulations.

Under the act, a municipality is awarded 0.25 housing unit equivalent (HUE) points for each of these middle housing units for which the municipality issues a certificate of occupancy (see *Background — Moratoria From 8-30g Appeals Procedure*). Under existing law, HUE points are generally not awarded for market-rate units unless located in housing developments with a specified percentage of other deed-restricted units meeting certain affordability requirements (these market-rate units are also awarded 0.25 points each). Under the act, middle housing units need not be subject to any affordability restrictions to qualify for HUE points.

The act also prohibits any municipality from repealing or substantially modifying its zoning regulations for as-of-right middle housing development during a moratorium from the 8-30g appeals procedure if it qualified for the moratorium based in part on HUE points awarded under the act.

Additionally, the act defines "live work unit" to clarify existing law's definition of "cottage cluster," which is a group of at least four detached housing units or live work units (per acre) located around a common open area. Under the act, a live work unit is a building, or space within it, that the occupant uses for both residential and commercial purposes.
EFFECTIVE DATE: October 1, 2024

Background — Moratoria From 8-30g Appeals Procedure

By law, a municipality is generally eligible for a temporary suspension of the 8-30g appeals procedure (i.e., a moratorium) each time it shows it has added a certain number of affordable housing units over the applicable time period (since July 1, 1990, for first moratoria). To be granted a moratorium, a municipality generally must achieve the greater of (1) 75 HUE points or (2) HUE points equaling more than 2% of their total housing stock, as determined by the most recent decennial census. The law provides an exception for certain municipalities, under which the 2% threshold drops to 1.5% for municipalities that (1) have at least 20,000 dwelling units; (2) adopt an affordable housing plan; and (3) apply for a second or subsequent moratorium.

§ 13 — RAP MAXIMUM RENT LEVELS

Requires DOH, when setting maximum RAP rent levels, to use the fair market rent figure under the federal HCV program if it is higher than RAP's maximum allowable rent for the housing unit

Existing law requires the DOH commissioner to set maximum rent levels under the Rental Assistance Program (RAP; see *Background — RAP*) in a way that promotes the program's use in all municipalities. The act specifies that if the fair market rent for a housing unit under the federal Housing Choice Voucher (HCV) program is higher than the maximum allowable rent for the unit under RAP, DOH must instead use the HCV figure for the purposes of RAP.

The act also specifies that for RAP, "housing" or "housing unit" means any house or building, or portion of one, that is occupied, designed to be occupied, or rented, leased, or hired out to be occupied, exclusively as a home or residence for at least one person.
EFFECTIVE DATE: October 1, 2024

Background — RAP

RAP is a DOH-funded program that helps very low-income families afford decent, safe, and sanitary housing in the private market. Recipients of RAP certificates may choose any private rental housing that meets the program requirements.

§ 14 — TAX INCREMENT DISTRICT FUNDING FOR AFFORDABLE HOUSING RENOVATION

Authorizes municipalities to use tax increment district funds to renovate certain 8-30g deed-restricted affordable housing in exchange for the owner renewing the development's affordability restrictions

By law, municipalities that have adopted a tax increment district generally must establish a "district master plan fund" (see *Background — Tax Increment Districts*). Prior law limited the use of the fund to paying for specified categories of expenses, including costs (1) of certain improvements made in the district, or outside the district that are directly related to or necessary for establishing or operating the district, and (2) related to economic development, environmental improvements, or employment training associated with the district.

The act allows municipalities to also use the fund for improvement costs outside the district for renovating or rehabilitating certain 8-30g "set-aside developments" (i.e., deed-restricted affordable housing; see *Background — Affordable Housing Developments*). A municipality may do so if the (1) development's affordability deed restrictions will expire in three years or less and (2) improvement costs are paid based on an agreement between the municipality and the development's owner that the owner will renew the deed restrictions for at least 40 years.
EFFECTIVE DATE: October 1, 2024

Background

Affordable Housing Developments. By law, an affordable housing development under 8-30g means "assisted housing" or a "set-aside development." The former is generally certain government-assisted housing or housing occupied by people

receiving rental assistance. The latter is a development in which, for at least 40 years after initial occupancy, at least 30% of the units are deed-restricted based on specified household income limits.

Tax Increment Districts. Existing law allows municipalities, through their legislative bodies, to establish a tax increment district (generally known as a tax increment financing district) to finance economic development projects in eligible areas (CGS § 7-339cc et seq.). It requires them to adopt a district master plan and a statement of the percentage or amount of increased assessed value that will be designated as "captured assessed value" under the plan (i.e., the incremental increase in property values that is used from year to year to finance the plan's project costs). Municipalities generally must establish a "district master plan fund" for depositing incremental tax revenues and paying project costs. They must also deposit any benefit assessments imposed on real property in the district.

§ 15 — RAP REPORTING REQUIREMENTS

Expands the information that the DOH commissioner must include in her annual reports on RAP assistance

Existing law requires the DOH commissioner, in consultation with other agency commissioners, to annually report to the Appropriations, Housing, Human Services, and Public Health committees on the number of departmental clients and, of those, the number who have received RAP assistance (see § 13 *Background — RAP*). The report must (1) detail voucher utilization under the program and (2) establish targets to ensure that its resources are allocated according to legislative intent.

The act specifies that, beginning with the annual report due by January 1, 2025, the voucher information must reflect utilization at the time of the report. It also requires that the report include the number of:

1. applicants (a) on any rental certificate (i.e., voucher) waitlist; (b) from any waitlist who received a certificate in the prior year; and (c) added to any waitlist during the prior year and
2. applications submitted when any waitlist was last open.

It must also include the date of the last opening on any waitlist.

EFFECTIVE DATE: October 1, 2024

§§ 16 & 17 — NOTICE OF RENT INCREASES

Requires landlords to give residential tenants at least 45 days' written notice of proposed rent increases, or an amount of notice that equals the full length of the lease for tenants with lease terms of one month or less

The act generally prohibits rent increases for residential dwelling units from taking effect unless the landlord gives the unit's tenant written notice about the proposed increase at least 45 days before it takes effect. For leases with a term of one month or less, the advance notice must equal the full length of the lease. The act specifies that (1) a tenant's failure to respond to the notice does not mean he or she agrees to the proposed increase and (2) it does not allow landlords to increase rent during the rental agreement term or alter any notice requirements on rent increases federal law imposes.

Prior law did not require landlords to give tenants advance notice about an expected rent increase for a lease renewal, though a lease agreement may have provisions requiring one.

EFFECTIVE DATE: October 1, 2024, and applicable to rental agreements entered, renewed, or extended on or after that date.

§ 18 — HOUSING CHOICE VOUCHER PROGRAM TASK FORCE

Establishes a task force to study the federal HCV program and its implementation in the state, including any disparate impacts the program has on the development of at-risk children and youth or families

The act establishes a 12-member task force to study the federal HCV program and its implementation in the state, including any disparate impacts the program has on the development of at-risk children and youth or families.

Task force members may be General Assembly members and must include (1) the Housing Committee chairpersons and ranking members, or their designees; (2) two each appointed by the House and Senate minority leaders; and (3) one each appointed by the four other legislative leaders. The appointing authorities must make their initial task force appointments by July 6, 2024, and fill vacancies.

The act requires the House speaker and Senate minority leader to each select a task force member to serve as a chairperson. The chairpersons must schedule and hold the task force's first meeting by August 5, 2024. The Housing Committee's administrative staff serves as that of the task force.

The act requires the task force to report on its findings and recommendations by January 16, 2025, to the Housing Committee and the state's congressional delegation. The task force terminates when it submits this report or on January 16, 2025, whichever is later.
EFFECTIVE DATE: Upon passage

Background — HCV Program

The HCV program is the federal government's main program for helping very low-income families afford private market housing (42 U.S.C. § 1437f(o)). Eligible households that are issued a housing voucher must find housing that meets the program's requirements. The Department of Housing and Urban Development funds the program and it is administered locally by public housing authorities and statewide by DOH.

§§ 19 & 20 — HOUSING ENVIRONMENTAL IMPROVEMENT LOAN AND GRANT FUND AND RETROFIT PILOT PROGRAM

Expands DEEP's multifamily housing retrofit pilot program by, among other things, allowing (1) it to offer grants in addition to loans and (2) the department to contract with quasi-public agencies to administer the fund that finances the program; limits the amount of bond funding DEEP may use for the grants; delays the program's implementation date by one year

Existing law requires the Department of Energy and Environmental Protection (DEEP), in collaboration with DOH, to start one or more pilot programs that provide financing for qualifying retrofit projects in multifamily homes located in environmental justice communities or alliance districts (e.g., energy efficiency projects or projects to address health concerns). This financing is funded through the Housing Environmental Improvement Revolving Loan Fund, with $125 million in general obligation (GO) bonds authorized to capitalize the fund.

The act allows DEEP to also provide grants under the program but caps the amount of bond funds that may be used for grants at $20 million. The act correspondingly renames the fund as the "Housing Environmental Improvement Revolving Loan and Grant Fund." Additionally, it allows DEEP to enter into contracts with quasi-public agencies to administer the fund, in addition to nonprofits as existing law allows.
EFFECTIVE DATE: October 1, 2024, except the bond provisions (§ 20) are effective upon passage.

Implementation Date

The act delays the date DEEP must start accepting program applications, from July 1, 2024, to July 1, 2025. It also correspondingly delays:

1. DEEP's reporting deadline to the Housing Committee from October 1, 2027, to October 1, 2028, and
2. the pilot program's end date from September 30, 2028, to September 30, 2029.

Additionally, existing law authorizes $125 million in GO bonds for the program ($50 million for FY 24 and $75 million for FY 25). The act delays the $75 million authorization to FY 26. (PA 24-151, § 18, repeals this delay; see *Background – Related Act*.)

Eligibility

Under prior law, to be eligible for pilot program financing, a dwelling unit had to be occupied by a tenant or occupied within 180 days after DEEP awarded the owner financing. Owners had to repay DEEP all the funds received under the program if this timeframe was not met. Additionally, units could not be owner-occupied. The act eliminates these conditions and instead extends eligibility to owners of residential dwelling units as defined in state law.

By law, DEEP must prioritize financing for projects benefitting current or prospective low-income residents. Under existing law, "low-income residents" are households with an income of no more than 60% of the state median income or 80% of the federally determined area median income adjusted for family size. The act expands the range of "low-income residents" to also include any other definition of this term used in state programs using federal funding, as the DEEP commissioner determines.

Background — Related Act

PA 24-151, §§ 18, 64 & 65, generally contains the same provisions. However, that act repeals the delay of the bond authorization enacted under this act.

§ 21 — VACANT LOTS

Exempts certain vacant lots in subdivisions and resubdivisions from changes to municipal zoning regulations and maps

The act exempts certain vacant lots in subdivisions and resubdivisions from changes to municipal zoning regulations and maps.

First, it exempts vacant lots shown on a subdivision or resubdivision plan (e.g., map) from changes adopted after the plan was approved or recorded if the (1) plan was recorded on or before October 1, 2024, and (2) lot's recorded chain of title references the plan.

Second, for vacant lots shown on a subdivision or resubdivision plan that was both recorded on or before October 1, 2024, and before the respective municipality adopted zoning regulations, the act exempts these lots from changes adopted after the plan was approved or recorded if the lot conformed at any time with any applicable zoning regulations that were subsequently adopted.

Under the act, these exemptions apply regardless of the laws that:

1. prohibit (a) subdividing land until a subdivision plan has been approved by the local planning commission and (b) recording subdivision plans unless they are approved by the planning commission and
2. require that subdivisions and resubdivisions that existed on a map or plan before a municipality adopted zoning regulations be submitted for the planning commission's approval.

The act's exemptions are in addition to others under existing law, including one for lots in approved subdivision and resubdivision plans for residential property that exempts them from changes in zoning regulations and maps after the plans are filed and recorded in the land records. Existing law also exempts any construction on vacant lots shown in an approved subdivision or resubdivision plan from changes adopted after the plan's approval.

EFFECTIVE DATE: October 1, 2024

§ 22 — MORATORIA FROM 8-30G APPEALS PROCEDURE

Allows eligible units completed before a municipality's 8-30g moratorium began, but that were not counted toward establishing the moratorium, to be counted toward qualifying for a subsequent moratorium

The act allows eligible units completed before a municipality's 8-30g moratorium began, but that were not counted toward establishing eligibility for the moratorium, to be counted toward qualifying for a subsequent moratorium. Under existing law, eligible units completed after a municipality's moratorium begins may be counted toward qualifying for a subsequent moratorium (see §§ 10-12 *Background — Moratoria From 8-30g Appeals Procedure*).

EFFECTIVE DATE: Upon passage

PA 24-4—sSB 181
Public Health Committee

AN ACT CONCERNING EMERGENCY DEPARTMENT CROWDING

SUMMARY: This act generally requires each in-state hospital with an emergency department, starting by January 1, 2025, and until January 1, 2029, to annually analyze certain data from its emergency department (ED). It also allows exclusively state-run hospitals to do this. Hospitals may analyze the data directly or in consultation with an in-state hospital association.

Hospitals must use the analysis with the goals of (1) developing policies or procedures to reduce admission wait times after a patient presents to the ED, (2) informing potential ways to improve admission efficiencies, and (3) examining root causes for admission delays.

Specifically, the data must include the prior year's:

1. number of patients treated in the ED;
2. number of patients admitted to the hospital after being seen in the ED, with their average time from first presentation to the ED until admission; and
3. percentage of patients admitted to the hospital after presenting to the ED who were transferred to an available bed outside of the ED more than four hours after the patient's admitting order was completed.

Under the act, each hospital conducting this analysis must annually report to the Public Health Committee, starting by March 1, 2025, and until March 1, 2029, on its findings and any recommendations to achieve the goals above.
EFFECTIVE DATE: Upon passage

PA 24-7—sSB 368
Public Health Committee

AN ACT CONCERNING SOURCE PLASMA DONATION CENTERS

SUMMARY: Existing law requires the Department of Public Health (DPH) to adopt regulations to implement new licensure categories, established by PA 23-31, for source plasma donation centers and blood collection facilities.

This act eliminates prior law's requirement that the regulations require a registered nurse or advanced practice registered nurse to be on-site during these facilities' operating hours. It also requires the regulations to allow "responsible physicians" (see BACKGROUND) to be directors of these facilities. (In doing so, it aligns with federal regulations.)

Under the act, the commissioner must update DPH policies and procedures by October 1, 2024, to include the act's requirements. By law, these policies and procedures are valid until final regulations are adopted. (DPH issued initial policies and procedures for these centers and facilities to implement PA 23-31's requirements in October 2023, and proposed regulations for public comment in January 2024.)

Additionally, the act exempts someone who performs apheresis on a healthy donor to collect blood or its components from needing a nursing license. Under the act, a person may do this regardless of existing health care institution and nursing laws, so long as they follow federal and state regulations.

Under the act, "apheresis" is a process that removes blood from a person and separates its components (e.g., white blood cells, plasma, red blood cells, and platelets), of which some is kept, and the rest is returned to the donor. A "donor" is a person who donates blood or its components for therapeutic or manufacturing use or presents as a potential candidate for this donation.
EFFECTIVE DATE: Upon passage

BACKGROUND

Blood Collection Facilities and Source Plasma Donation Centers

By law, a "blood collection facility" is a facility that performs blood component collection activities where blood is removed from a person to administer the blood, or its components, to any person. It excludes facilities that perform these activities to collect source plasma or perform testing that requires a clinical laboratory license.

A "source plasma donation center" is a facility where source plasma is collected by plasmapheresis, which is a procedure that removes blood from a donor, separates the plasma, and then returns the red blood cells to the donor at the time of donation. "Source plasma" is the liquid part of human blood collected by plasmapheresis for use as a source material for further manufacturing use. It does not include single donor plasma products for intravenous use (CGS § 19a-490).

Responsible Physicians

Under federal regulation, a "responsible physician" is someone who is (1) licensed to practice medicine in the jurisdiction where the facility is located; (2) adequately trained and qualified to direct staff and relevant procedures (e.g., donor eligibility, blood collection, and apheresis); and (3) designated by a source plasma center or blood collection facility to perform these activities (21 C.F.R. § 630.3).

PA 24-19—sSB 1
Public Health Committee
Appropriations Committee

AN ACT CONCERNING THE HEALTH AND SAFETY OF CONNECTICUT RESIDENTS

TABLE OF CONTENTS:

§ 10 — PRESCRIPTION DRUG SHORTAGE STUDY

Requires the DCP commissioner, in collaboration with UConn's pharmacy school, to study prescription drug shortages and report on the study and any legislative recommendations to alleviate or prevent the shortages

§§ 11-13 — LIMITATIONS ON MAINTENANCE OF CERTIFICATION

Specifically prohibits hospitals from requiring a board-certified physician to participate in an MOC program in order to obtain or keep privileges; prohibits certain health carriers and professional liability insurers from taking certain actions based on a provider's non-participation in an MOC program or other decision to not maintain a specialty certification, unless the provider holds himself or herself out to be a specialist under the certification

§§ 14-16 — OPIOID DEACTIVATION AND DISPOSAL SYSTEMS

Generally allows pharmacists, when dispensing opioids, to give the patient information on personal opioid drug deactivation and disposal systems, including information that DMHAS must post on its website; requires DMHAS and certain other people and entities to study long-term payment options for these systems

§ 17 — PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER THE STATE LABOR RELATIONS ACT

Removes an exemption from the state Labor Relations Act for physicians and PAs who work at DPH-licensed institutions

§§ 18 & 19 — INSURANCE COVERAGE OF CORONARY CALCIUM SCANS

Requires certain insurance policies to cover coronary calcium scans

§ 20 — CYBERSECURITY DISRUPTION AUDITS

Generally requires hospitals to have their cybersecurity disruption plans audited annually and make related information available to certain agencies on a confidential basis

§§ 21-23 — STATEWIDE HEALTH INFORMATION EXCHANGE

Sets a deadline for health care providers to connect to and actively participate in the Statewide Health Information Exchange ("Connie"), but exempts providers from connecting to the exchange under certain conditions; specifies (1) when providers are or are not liable for certain actions related to data security and (2) circumstances under which providers are not required to share information with the exchange; specifies that the exchange's goals must be in line with federal regulations on information blocking; requires OHS to establish a working group to make recommendations on the office's regulations, policies, and procedures related to participation in the exchange

§ 24 — STATE HEALTH INFORMATION TECHNOLOGY ADVISORY COUNCIL

Adds the attorney general or his designee to the State Health Information Technology Advisory Council

§ 25 — HEALTHY BRAIN INITIATIVE

Requires DPH, within available appropriations, to annually report to the Public Health Committee on its work on the CDC's Healthy Brain Initiative

§ 26 — PARKINSON'S DISEASE REGISTRY

Requires (1) DPH, within available appropriations and in collaboration with an in-state public college or university, to maintain and operate a Parkinson's disease registry and (2) hospitals and certain health care providers to submit data to the registry as DPH requires, subject to patients opting out; establishes a data oversight committee to monitor the registry's activities

§ 27 — RECENT-ONSET SCHIZOPHRENIA SPECTRUM DISORDER

Requires DMHAS, within available appropriations and in consultation with DCF, to create a program providing specialized treatment for people with recent-onset schizophrenia spectrum disorder

§ 30 — PEDIATRIC HOSPICE CARE

Requires licensed hospices to encourage their nursing staff to spend three weeks each in a pediatric intensive care unit, pediatric oncology unit, and pediatric hospice facility to enhance pediatric care skills and expertise and prepare them for future roles in pediatric hospice care

§ 31 — MINIMUM NURSING HOME STAFFING LEVELS

Establishes a statutory definition of "direct care" for purposes of minimum nursing home staffing levels

§§ 32 & 33 — CLINICAL PEERS

Generally increases the requirements to qualify as a clinical peer for insurance adverse determination reviews; requires health carriers to authorize clinical peers to reverse initial adverse determinations that were based on medical necessity

§§ 34 & 35 — PRIOR AUTHORIZATION FOR AMBULANCE SERVICES PROHIBITED

Prohibits health carriers from (1) requiring an enrollee to get prior authorization for a medically necessary ambulance transport to a hospital and (2) denying payment to an ambulance provider on the basis that the enrollee did not get prior authorization

§ 36 — PEER-RUN RESPITE CENTER

Requires the DMHAS commissioner, within available appropriations, to establish a peer-run respite center, run by a contracted non-profit, to provide peer respite and support services to adults experiencing distress right before or during a mental health crisis

§ 37 — PHYSICIAN RECRUITMENT WORKING GROUP

Extends the reporting deadline for the physician recruitment working group and adds to the group's charge the study of issues related to primary care residency and ways to keep those residents in the state

§§ 38 & 39 — DISCRIMINATION AGAINST NURSING HOME APPLICANTS

Makes it a discriminatory practice under the CHRO laws for nursing homes to refuse applicants for admission solely because they received mental health services at any time

§ 40 — PRIOR AUTHORIZATION AND PRECERTIFICATION DATA

Starting January 1, 2025, allows hospitals, outpatient surgical facilities, and physician group practices to record and keep data on employee time spent requesting prior authorizations or precertifications from health carriers; permits these entities to make the data available to the Public Health Committee, upon request

SUMMARY: This act makes various changes to laws on home health care and home health aide worker safety and several other health-related matters.
EFFECTIVE DATE: Various; see below.

§ 1 — HOME HEALTH SAFETY-RELATED CLIENT INTAKE

Generally requires home health care and home health aide agencies, except for those licensed as hospice organizations, to collect certain information during client intake (on the client and the service location) and give it to the employees assigned to the client; prohibits agencies from denying services to a client solely based on this information or on the client's inability or refusal to provide it

The act generally requires home health care and home health aide agencies (home health agencies; see *Background — Home Health Agencies*), except for those licensed as hospice organizations by the Department of Public Health (DPH), to collect certain information during intake with a prospective client and give it to any employee assigned to the client. They must do so to the extent it is feasible and consistent with state and federal laws. Specifically, they must collect and give information on the following:

1. the client, including, if applicable, the client's history of violence against health care workers, domestic abuse, or

substance use; a list of the client's diagnoses, including psychiatric history; whether the client's diagnoses or symptoms have been stable over time; and any information on violent acts involving the client from judicial records or any sex offender registry data concerning the client; and

2. the service location, including, if known to the agency, the municipality's crime rate, as determined by the most recent state crime annual report issued by the Department of Emergency Services and Public Protection (DESPP) (i.e., Crime in Connecticut); presence of hazardous materials (including used syringes), firearms or other weapons, or other safety hazards; and status of the location's fire alarm system.

Towards complying with the crime rate data requirement, the act further requires these agencies to annually review DESPP's report to collect related data for the locations where the agency provides services.

The act prohibits these agencies from denying services to a client solely based on the (1) collected information or (2) client's inability or refusal to give it.

EFFECTIVE DATE: October 1, 2024

Background — Home Health Agencies

By law, both home health care and home health aide agencies must be licensed by DPH. They both provide services in the patient's home or a similar environment.

Home health care agencies must provide professional nursing services and at least one additional service (e.g., physical or speech therapy) directly and all others directly or through contracts.

Home health aide agencies provide supportive services such as assistance with personal hygiene, dressing, feeding, and incidental household tasks. These services must be provided under a registered nurse's supervision (directly or through contract), and if the nurse determines appropriate, must be provided by certain other professionals (e.g., a social worker) (CGS § 19a-490).

§ 2 — HOME HEALTH AGENCY WORKER SAFETY TRAINING AND MEDICAID REIMBURSEMENT

Requires home health agencies (except for those licensed as hospice organizations) to do monthly safety assessments with direct care staff and comply with certain workplace safety-related training requirements; conditions their Medicaid reimbursement on their compliance with the training requirement; allows DSS to give a Medicaid rate enhancement for these agencies for timely reporting of workplace violence incidents

The act requires home health agencies (except for those licensed as hospice organizations) to do monthly safety assessments with direct care staff at the agency's monthly staff meeting.

It also requires them to adopt and implement a home care worker health and safety training curriculum consistent with the one endorsed by the federal (1) Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health and (2) Occupational Safety and Health Administration, including training to recognize and manage common home care workplace hazards and practical ways to manage risks and improve safety. These home health agencies must provide annual staff training that aligns with this curriculum.

Under the act, the Department of Social Services (DSS) commissioner must generally require these agencies to provide evidence that they adopted and implemented the above training curriculum to continue receiving Medicaid reimbursements. The act allows the commissioner, at her discretion, to approve alternative applicable workplace training programs.

It also authorizes the commissioner to increase Medicaid rates for these agencies that report workplace violence incidents to DSS and DPH in a timely way (i.e., within seven calendar days after they happen).

EFFECTIVE DATE: October 1, 2024

§ 3 — HOME HEALTH REPORTING OF CLIENT THREATS OR ABUSE

Requires home health agencies (except for those licensed as hospice organizations) to report to DPH on a client's verbal threats, abuse, or similar incidents, and DPH to annually report on this information

Starting by January 1, 2025, the act requires home health agencies, except for those licensed as hospice organizations, to annually report to DPH, in a way the department sets, on each instance of a client's verbal abuse that an agency's staff member perceives as a threat or danger, physical or sexual abuse, or any other client abuse of a staff member. The agencies also must report on the actions they took to ensure the affected staff member's safety.

Starting by March 1, 2025, DPH must annually report to the Public Health Committee on the number of reported incidents and what steps were taken to ensure the affected staff member's safety.

EFFECTIVE DATE: October 1, 2024

§ 4 — HOME HEALTH STAFF SAFETY GRANT PROGRAM

Requires DSS to create a grant program for home health agencies to provide safety escorts and purchase technology for staff safety checks

The act requires the DSS commissioner, by January 1, 2025, to establish a program giving incentive grants, on or before January 1, 2027, for home health agencies to provide (1) safety escorts for staff conducting home visits and (2) ways for staff to perform safety checks.

The latter may include a (1) mobile application that allows staff to access safety information relating to a client (including the information collected under the act, see § 1) and a way to communicate with local police or other staff in a safety emergency or (2) GPS-enabled wearable device that allows staff to contact local police by pressing a button or through another means.

Under the act, the commissioner must establish the program's eligibility requirements, priority categories, funding limitations, and application process. By January 1, 2026, and again by January 1, 2027, she must report on the program to the Public Health Committee. Specifically, she must report on (1) the number of agencies that applied for and received a grant, (2) how they used the grants, and (3) anything else she considers pertinent.

EFFECTIVE DATE: Upon passage

§ 5 — HEALTH CARE FACILITY WORKER SAFETY TRAINING AND MEDICAID REIMBURSEMENT

Requires certain health care facilities (e.g., hospitals and nursing homes) to adopt and implement certain workplace violence prevention standards; allows DSS to require evidence of compliance as a condition of Medicaid reimbursement

The act requires certain health care facilities that participate in Medicaid to adopt and implement workplace violence prevention standards consistent with those set by The Joint Commission (an independent, nonprofit organization that accredits and certifies hospitals and other health care organizations) or other applicable certification or accreditation agencies.

Under the act, the DSS commissioner may require these facilities to provide evidence that they adopted and implemented the above standards to continue receiving Medicaid reimbursements.

These provisions apply to DPH-licensed hospitals, chronic disease hospitals, nursing homes, behavioral health facilities, multicare institutions, and psychiatric residential treatment facilities.

EFFECTIVE DATE: October 1, 2024

§§ 6, 8, 9, 28 & 29 — WORKING GROUPS

Requires the Public Health Committee chairpersons to convene working groups on (1) staff safety issues for home health agencies and hospice organizations, (2) nonalcoholic fatty liver disease, (3) health issues for nail salon workers, (4) loneliness and isolation, and (5) pediatric hospice services

The act requires the Public Health Committee chairpersons to establish five working groups to study the following topics: (1) staff safety issues for home health agencies and hospice organizations; (2) nonalcoholic fatty liver disease, including nonalcoholic fatty liver and nonalcoholic steatohepatitis; (3) health issues faced by nail salon workers due to their occupational exposure to health hazards; (4) ways to address loneliness and isolation; and (5) pediatric hospice services.

For each of these working groups, the (1) Public Health Committee chairpersons must schedule or convene the group's first meeting, to be held by 60 days after the act's passage; (2) group must select two co-chairpersons from among its members; and (3) Public Health Committee's administrative staff serves in that capacity for the working group.

For each of these groups, other than the one on pediatric hospice services, the group (1) must report its findings and recommendations to the committee by January 1, 2025, and (2) terminates when it submits the report or on January 1, 2025, whichever is later. The pediatric hospice services working group must report to the committee by March 1, 2025.

EFFECTIVE DATE: Upon passage

Home Health and Hospice Staff Safety Working Group (§ 6)

Under the act, this working group must study staff safety issues affecting home health agencies and hospice

organizations. The group must at least include three employees of one or more home health agencies and three employees of one or more hospice care organizations, including in each case at least one direct care worker; two representatives of a home health agency and two from an in-state nurses association; and one representative each from the following:

1. a collective bargaining unit representing home health employees,
2. a collective bargaining unit representing hospice care organizations or employees,
3. a mobile crisis response services provider,
4. an assertive community treatment team,
5. a police department,
6. an in-state hospital association,
7. an in-state home health agency association,
8. the State Police, and
9. an in-state municipal police department.

The group must also include at least (1) one member of an in-state labor union; (2) the commissioners of mental health and addiction services (DMHAS), correction, DPH, and DSS, or their designees; (3) one member or employee of the Board of Pardons and Paroles; and (4) one member of the judiciary.

Nonalcoholic Fatty Liver Disease Working Group (§ 8)

This group's study must at least examine the following in relation to nonalcoholic fatty liver disease:

1. the incidence in Connecticut compared to the entire United States;
2. the population groups most affected and at risk of being diagnosed with it and the main risk factors contributing to this prevalence;
3. strategies to prevent the disease in high-risk populations and how to implement them statewide;
4. ways to increase public awareness about the disease, including public awareness campaigns about liver health;
5. whether to recommend a statewide screening program for at-risk populations;
6. policy changes needed to improve patient care and outcomes;
7. insurance coverage and affordability issues affecting treatment access;
8. creating patient advocacy and support networks; and
9. how social determinants of health influence the disease's risk and outcomes, and needed interventions to address them.

The working group must include at least the following members:

1. a physician with expertise in hepatology and gastroenterology, representing an in-state higher education institution;
2. three people in the state living with nonalcoholic fatty liver disease;
3. a representative of an in-state patient advocacy organization;
4. a social worker with experience working with communities in the state's underserved areas and addressing social determinants of health;
5. an in-state health care policy expert with experience advising on regulatory frameworks, health care access, and insurance issues;
6. an in-state nutritionist and dietician with experience giving guidance on preventative measures and dietary interventions for the disease;
7. a community health worker who works directly with the state's underserved communities addressing social determinants of health;
8. a representative of an in-state nonprofit organization focused on liver health; and
9. the DPH commissioner or her designee.

Nail Salon Worker Health Hazards Working Group (§ 9)

The act requires this group to study health issues experienced by nail salon workers due to their exposure to health hazards at work. The study must at least include (1) identifying these hazards, (2) ways to reduce nail salon workers' exposure to them, (3) best practices for preventing these workers from acquiring health issues from exposure to these hazards, and (4) assessing the strengths of other states' policies on protecting nail salon workers' health.

The working group must include at least the following members:

1. three nail technicians, each employed by a different in-state nail salon;
2. three owners or managers of different in-state nail salons;
3. a state-licensed health care professional with experience treating patients for illnesses attributable to their exposure to health hazards while working in a nail salon;

4. a representative of an in-state labor union;
5. an expert in occupational safety;
6. an expert in environmental health;
7. a director of an in-state municipal health department with at least four nail salons under the department's jurisdiction; and
8. the DPH commissioner or her designee.

Loneliness and Isolation Working Group (§ 28)

Under the act, this group must study and make recommendations on ways to address loneliness and isolation experienced by people in the state and to improve their social connection, including through the creation of a pilot program that uses technology to combat loneliness and foster social engagement. The working group must do the following in relation to people in the state:

1. evaluate the causes of, and other factors contributing to, this sense of isolation and loneliness, and ways to prevent and eliminate it;
2. recommend local activities, systems, and structures to combat isolation and loneliness, including opportunities for organizing or enhancing in-person community gatherings, especially for people who have lived in isolation for a long time; and
3. explore the possibility of creating municipal-based social connection committees to address the challenges of, and potential solutions for, combating isolation and loneliness.

The working group must include at least the following members, all from in-state organizations or working in the state, as applicable, unless otherwise specified:

1. a high school teacher;
2. two representatives of an alliance of private and public entities that recognize the importance of, and need for, addressing loneliness and social disconnectedness among residents of all ages;
3. a dining hall manager of a suburban soup kitchen;
4. three high school students, including one who identifies as a member of the LGBTQ+ community, one who identifies as female, and one who identifies as male;
5. two students from higher education institutions, one each from a public health school and a social work school;
6. two residents of assisted living facilities, one at a facility for veterans and one at a suburban facility;
7. a member of a senior center's administration;
8. two librarians, one each from an urban library and a rural library;
9. a representative of an organization serving children in an urban area;
10. a representative of an organization representing municipalities;
11. a representative of an organization representing small towns;
12. a representative of an organization working on policies to improve planning and zoning laws to create an inclusive society and improve access to transit-oriented development;
13. a representative of an organization working to improve and create more walkable and accessible main streets;
14. a representative of an organization advocating for people with physical disabilities;
15. an expert (not necessarily from Connecticut) in digital health and identifying safe digital education;
16. a representative of an organization developing mobile applications intended to address loneliness and isolation;
17. a representative of an organization (not necessarily from Connecticut) that is exploring the use of technology to address loneliness and isolation;
18. two psychiatrists, one who treats adolescents and one who treats adults;
19. a social worker who practices in an urban area; and
20. the DMHAS and Department of Children and Families (DCF) commissioners or their designees.

Pediatric Hospice Working Group (§ 29)

Under the act, this group must examine hospice services for pediatric patients across the state. Specifically, the group must (1) review existing hospice services for these patients, (2) make recommendations for appropriate levels of hospice services for them, and (3) evaluate payment and funding options for this care.

The working group must include at least the following members:

1. at least one representative of each in-state pediatric hospice association;
2. one representative of each DPH-licensed hospice organization;
3. at least one representative of an in-state hospital association;

4. one representative each of two in-state children's hospitals;
5. a pediatric oncologist;
6. a pediatric intensivist (i.e., a doctor who has training and experience treating seriously ill children);
7. the Public Health Committee chairpersons and ranking members; and
8. the DPH and DSS commissioners or their designees.

§ 7 — GUN SAFETY EDUCATIONAL MATERIAL DURING PRIMARY CARE VISITS

Requires DPH, in consultation with certain entities, to develop or obtain educational material on gun safety practices for primary care providers to give their patients; requires these providers to make this material available to patients annually, or at each appointment if the patient has less frequent visits

The act requires the DPH commissioner, by January 1, 2025, to develop or obtain educational material on gun safety practices for primary care providers to give to patients during appointments. In doing so, the commissioner must consult with the Commission on Community Gun Violence Intervention and Prevention and, if these organizations agree to this consultation, the state chapters of national professional associations of physicians, pediatricians, advanced practice registered nurses (APRNs), and physician assistants (PAs). By February 1, 2025, DPH must (1) make this material available, for free, to all in-state primary care providers and (2) recommend how they can effectively use it.

The act requires primary care providers to make this material available to each of their patients annually at their appointments, or at each appointment if the patient visits the provider less frequently than once a year.

Under the act, "primary care providers" are DPH-licensed physicians, APRNs, and PAs, regardless of board certification, who provide services in family medicine, general pediatrics, primary care, internal medicine, or primary care obstetrics or gynecology.

EFFECTIVE DATE: July 1, 2024

§ 10 — PRESCRIPTION DRUG SHORTAGE STUDY

Requires the DCP commissioner, in collaboration with UConn's pharmacy school, to study prescription drug shortages and report on the study and any legislative recommendations to alleviate or prevent the shortages

The act requires the Department of Consumer Protection (DCP) commissioner, in collaboration with UConn's School of Pharmacy, to study incidences of prescription drug shortages in the state and whether the state has a role to play in alleviating them. By January 1, 2025, the commissioner must report to the General Law and Public Health committees on the study and any legislative recommendations to help alleviate or prevent these shortages.

EFFECTIVE DATE: Upon passage

§§ 11-13 — LIMITATIONS ON MAINTENANCE OF CERTIFICATION

Specifically prohibits hospitals from requiring a board-certified physician to participate in an MOC program in order to obtain or keep privileges; prohibits certain health carriers and professional liability insurers from taking certain actions based on a provider's non-participation in an MOC program or other decision to not maintain a specialty certification, unless the provider holds himself or herself out to be a specialist under the certification

Hospital Credentialing (§ 11)

Existing law prohibits hospitals (including their medical review committees) from requiring board-certified physicians to provide credentials of board recertification to obtain or keep their practice privileges. Under the act, this prohibition specifically includes the hospital requiring these physicians to participate in any maintenance of certification (MOC) program required for board recertification.

Insurer Reimbursement, Provider Networks, and Liability Insurance (§§ 12 & 13)

The act generally prohibits certain health carriers from denying reimbursement to a health care provider, or excluding a provider from a network, only because the provider is not maintaining a specialty certification, including through an MOC program.

It also generally prohibits professional liability insurers from (1) denying coverage to a health care provider only

because the provider is not maintaining a specialty certification, including through an MOC program, or (2) requiring a provider to show evidence of maintaining a specialty certification as a condition of getting professional liability insurance or other malpractice coverage.

For either type of insurer, these provisions apply as long as the provider does not hold himself or herself out as a specialist under a specialty certification.

For purposes of these insurance provisions, "maintenance of certification" is any process requiring periodic recertification examinations or other professional development activities to maintain specialty certification. A "specialty certification" is any certification by a medical board that specializes in one area of medicine and has requirements in addition to state licensing requirements.

The act's health carrier provisions apply to insurers and other entities that deliver, issue, renew, amend, or continue individual or group policies in the state on or after January 1, 2025, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan.

The act's liability insurer provisions apply to insurance companies that deliver, issue, renew, amend, or continue professional liability insurance policies in the state on or after January 1, 2025.

EFFECTIVE DATE: Upon passage, except the insurer-related provisions take effect January 1, 2025.

§§ 14-16 — OPIOID DEACTIVATION AND DISPOSAL SYSTEMS

Generally allows pharmacists, when dispensing opioids, to give the patient information on personal opioid drug deactivation and disposal systems, including information that DMHAS must post on its website; requires DMHAS and certain other people and entities to study long-term payment options for these systems

The act requires the DMHAS commissioner, by October 1, 2024, to post information on the department's website about personal opioid drug deactivation and disposal systems. Under the act, these systems are products designed for personal use that allow patients to permanently deactivate and destroy opioids.

The act generally allows pharmacists, when dispensing opioids, to also give the patient information on these systems, including the DMHAS website address. But this does not apply to pharmacists dispensing opioids for patients who are in a facility or health care setting.

The act also requires the DMHAS commissioner, in collaboration with the DCP, DPH, and insurance commissioners and the Governor's Prevention Partnership, to study long-term payment options for dispensing these deactivation and disposal systems to patients, including when they are dispensed an opioid. By January 1, 2025, the DMHAS commissioner must report on the study to the General Law and Public Health committees.

EFFECTIVE DATE: Upon passage, except the pharmacist provisions take effect October 1, 2024.

§ 17 — PHYSICIANS AND PHYSICIAN ASSISTANTS UNDER THE STATE LABOR RELATIONS ACT

Removes an exemption from the state Labor Relations Act for physicians and PAs who work at DPH-licensed institutions

The act removes a prior exemption from the state Labor Relations Act for physicians or PAs who are employed by a DPH-licensed private sector institution. It appears that in removing this exemption, the act allows these providers to unionize in certain limited situations when they could not under prior law.

The state Labor Relations Act, which sets rules on unionization and related matters, generally covers private-sector employers who are (1) not subject to the National Labor Relations Act (NLRA) or (2) subject to the NLRA but the National Labor Relations Board has declined to assert jurisdiction. Generally, as with most other private sector employees, physicians and PAs are covered by the NLRA if they are directly employed by their employer and are not "supervisors." In practice, physicians are sometimes, but not always, considered supervisors for purposes of the NLRA.

Unlike the NLRA, the state Labor Relations Act includes "supervisors" within its general definition of employee.

EFFECTIVE DATE: October 1, 2024

§§ 18 & 19 — INSURANCE COVERAGE OF CORONARY CALCIUM SCANS

Requires certain insurance policies to cover coronary calcium scans

The act requires certain health insurance policies to cover coronary calcium scans. Under the act, these are CT scans of the heart looking for calcium deposits in arteries.

The act applies to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on or after January 1, 2025, 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: January 1, 2025

§ 20 — CYBERSECURITY DISRUPTION AUDITS

Generally requires hospitals to have their cybersecurity disruption plans audited annually and make related information available to certain agencies on a confidential basis

The act requires hospitals, except for those operated exclusively by the state, to take certain actions annually, starting by January 1, 2025, in relation to their plans and processes to respond to a cybersecurity disruption of their operations. Specifically, they must:

1. submit their plans and processes to an audit (see below) to determine their adequacy and any necessary improvements; and
2. on a confidential basis, make available for inspection to DPH, the Department of Administrative Services, and DESPP's Division of Emergency Management and Homeland Security information on whether the audit found their plans and processes adequate and the steps they are taking to implement any recommended improvements.

The audit must be done by an independent, certified cybersecurity auditor or expert credentialed by the Information Systems Audit and Control Association or a similar credentialing entity.

Under the act, any recipient of the information submitted or made available under these provisions must keep the maximum level of confidentiality allowed under law and not disclose it except as expressly required by law. The information is exempt from disclosure under the Freedom of Information Act (FOIA).

EFFECTIVE DATE: Upon passage

§§ 21-23 — STATEWIDE HEALTH INFORMATION EXCHANGE

Sets a deadline for health care providers to connect to and actively participate in the Statewide Health Information Exchange ("Connie"), but exempts providers from connecting to the exchange under certain conditions; specifies (1) when providers are or are not liable for certain actions related to data security and (2) circumstances under which providers are not required to share information with the exchange; specifies that the exchange's goals must be in line with federal regulations on information blocking; requires OHS to establish a working group to make recommendations on the office's regulations, policies, and procedures related to participation in the exchange

Under existing law, within two years after the launch of the Statewide Health Information Exchange (i.e., by May 3, 2023), each licensed health care provider (including entities) with an electronic health record system capable of connecting to and participating in the exchange must apply to begin the process to do so. (The deadline was earlier for hospitals and clinical laboratories.) For providers without such a system, the law requires that they be capable of sending and receiving secure messages in line with specified federal standards.

The act generally requires health care providers, no later than 18 months after the Office of Health Strategy (OHS) implements policies and procedures related to exchange participation, to be connected to and actively participating in the exchange. For this purpose, (1) "connection" includes onboarding with the exchange and (2) "participation" is the active sharing of medical records with the exchange under applicable law, including the federal Health Insurance Portability and Accountability Act (HIPAA) and federal regulations on the confidentiality of substance use disorder patient records. The act also requires the OHS executive director to create a working group related to these policies and procedures (see below).

But the act exempts health care providers from the requirement to connect with the exchange if they (1) have no patient medical records or (2) are individuals and exclusively practice as employees of a covered entity under HIPAA, and the covered entity is legally responsible for decisions on the safeguarding, release, or exchange of health information and medical records. In the latter case, the act specifies that the covered entity is responsible for complying with the exchange-related requirements under existing law and the act.

The act also specifies that the exchange-related provisions under existing law and the act do not require providers to

share patient information with the exchange if (1) doing so is prohibited by state or federal privacy and security laws or (2) the patient's affirmative consent is legally required and has not been obtained.

The act specifies that health care providers are not liable for any private or public claim related directly to a data breach, ransomware, or hacking experienced by the exchange. But they are liable for any failure to comply with applicable state and federal data privacy and security laws and regulations in sharing information with and connecting to the exchange. The act specifically exempts providers from the requirement to share information with or connect to the exchange if doing so would violate any other law.

Under existing law, one of the exchange's goals is to provide patients with secure electronic access to their health information. The act specifies that this must be done in line with federal regulations on information blocking (i.e., practices that are likely to interfere with access, exchange, or use of electronic health information, unless required by law or covered by an exception; see *Background — Information Blocking*).

EFFECTIVE DATE: July 1, 2024, except the working group provisions take effect upon passage.

Working Group (§ 23)

By law, OHS must adopt regulations to implement the law's provisions on participation in the Statewide Health Information Exchange. The executive director may adopt policies and procedures while in the process of adopting regulations.

The act requires the OHS executive director, by September 1, 2025, to establish a working group to make recommendations to the office on the parameters of these regulations and policies and procedures. (PA 24-68, § 63, moves up this date to September 1, 2024.) The recommendations must at least address (1) privacy of protected health care information, (2) cybersecurity, (3) health care provider liability, (4) any contract required for providers to participate in the exchange, and (5) any statutory changes that may be necessary to address any of the working group's concerns.

Under the act, the working group consists of up to 15 members, including (1) the OHS executive director or her designee, who is the working group's chairperson; (2) the state's Health Information Technology Officer or the officer's designee; (3) the Public Health Committee chairpersons and ranking members; and (4) representatives of in-state health care provider associations, which may include associations representing hospitals, ambulatory surgical centers, physicians, women's health care providers, behavioral and mental health care providers, providers for the aging, gender affirming care providers, patient advocates, and health care payers.

The act requires the OHS executive director to report to the Public Health Committee by January 1, 2025, on the working group's recommendations.

Background — Information Blocking

Federal restrictions on health information blocking apply to health care providers, health information technology (IT) developers of certified health IT, and health information exchanges or health information networks. For providers, the restrictions apply when they know that a practice is unreasonable and likely to interfere with the access, exchange, or use of electronic health information. For these other entities, the restrictions apply when they know, or should know, that a practice is likely to interfere (45 C.F.R. Part 171).

Background — Related Act

PA 24-81, §§ 90 & 176-232, renames the title of OHS's head as a "commissioner" rather than an "executive director" and makes numerous conforming changes.

§ 24 — STATE HEALTH INFORMATION TECHNOLOGY ADVISORY COUNCIL

Adds the attorney general or his designee to the State Health Information Technology Advisory Council

The act adds the attorney general or his designee to the State Health Information Technology Advisory Council. By law, the council advises the OHS executive director and state's health IT officer on, among other things, developing priorities and policy recommendations for advancing the state's health IT and health information exchange efforts.

EFFECTIVE DATE: July 1, 2024

§ 25 — HEALTHY BRAIN INITIATIVE

Requires DPH, within available appropriations, to annually report to the Public Health Committee on its work on the CDC's Healthy Brain Initiative

The act requires DPH, within available appropriations and starting by January 1, 2025, to annually report to the Public Health Committee on the department's work on the Healthy Brain Initiative. Under the act, this initiative is the CDC's collaborative approach to fully integrate cognitive health into public health practice and reduce the risk and impact of Alzheimer's disease and other dementias.

EFFECTIVE DATE: Upon passage

§ 26 — PARKINSON'S DISEASE REGISTRY

Requires (1) DPH, within available appropriations and in collaboration with an in-state public college or university, to maintain and operate a Parkinson's disease registry and (2) hospitals and certain health care providers to submit data to the registry as DPH requires, subject to patients opting out; establishes a data oversight committee to monitor the registry's activities

The act requires DPH, by April 1, 2026, and within available appropriations, to maintain and operate a statewide data registry on Parkinson's disease and Parkinsonism (which generally refers to a range of symptoms associated with Parkinson's disease and certain other conditions). DPH must do so in collaboration with an in-state public higher education institution. Hospitals, physicians, PAs, and nurses must make data on patients admitted to the hospital or treated by these providers for these conditions available to the registry as required by DPH regulations. Hospitals and these providers must give patients a notice about these disclosures to the registry and an opportunity to opt out.

DPH and authorized researchers can use the registry data, but they must keep confidential any personally identifiable patient information (i.e., not subject to disclosure or admissible as evidence in a court or agency proceeding, and used only for medical or scientific research). The act exempts registry data from disclosure under FOIA.

Under the act, hospitals must give 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 allows the commissioner to contract with an in-state nonprofit Parkinson's disease and Parkinsonism association to implement and administer the registry. She may also enter into (1) a contract for receiving, storing, and maintaining the registry data and (2) reciprocal reporting agreements with other states to exchange Parkinson's disease and Parkinsonism data.

Additionally, the act requires DPH to establish a Parkinson's disease and Parkinsonism data oversight committee. The committee must (1) monitor the registry's operation, (2) give advice on its oversight, (3) develop a plan to improve the quality of Parkinson's disease and Parkinsonism care and address any disparities in this care, and (4) develop short- and long-term goals for improving care.

The act authorizes the DPH commissioner to adopt regulations to implement these provisions. She may also implement policies and procedures while in the process of adopting the regulations, as long as she posts her intent to adopt regulations in the eRegulations System within 20 days after adopting the policies and procedures. The policies and procedures are valid until the final regulations are adopted.

EFFECTIVE DATE: Upon passage

Data Oversight Committee

Under the act, the DPH commissioner must appoint at least 16 members to the committee, including a:

1. neurologist;
2. movement disorder specialist;
3. primary care provider;
4. neuropsychiatrist who treats Parkinson's disease;
5. patient living with the disease;
6. public health professional;
7. population health researcher with experience in statewide health condition data registries;
8. patient advocate;
9. family caregiver of someone with Parkinson's disease;
10. representative of a Parkinson's disease-related nonprofit organization;
11. physical therapist, speech therapist, and social worker and an occupational therapist, all with experience working with people with the disease;
12. geriatric specialist; and
13. palliative care specialist.

The commissioner must make her appointments by April 1, 2026, and members serve two-year terms. She must appoint a committee chairperson from among the members, and the chairperson must schedule the committee's first meeting by April 1, 2026.

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 committee's chairperson, starting by January 1, 2027, must annually report to the Public Health Committee and DPH commissioner on the committee's work.

§ 27 — RECENT-ONSET SCHIZOPHRENIA SPECTRUM DISORDER

Requires DMHAS, within available appropriations and in consultation with DCF, to create a program providing specialized treatment for people with recent-onset schizophrenia spectrum disorder

The act requires the DMHAS commissioner, within available appropriations and in consultation with the DCF commissioner, to establish a program for people diagnosed with recent-onset schizophrenia spectrum disorder.

The DMHAS commissioner, starting by January 1, 2025, must annually report to the Public Health Committee on (1) the functions and outcomes of the program for specialized treatment early in psychosis and (2) any legislative recommendations to address the needs of people diagnosed with recent-onset schizophrenic spectrum disorders.

EFFECTIVE DATE: Upon passage

Program Components

Under the act, the program must provide specialized treatment for these people early in their psychosis. It also must serve as a hub for distributing information statewide on best practices for providing early intervention services.

The program must address the limited knowledge of this disorder with regard to its region-specific treatment needs and disparities, and the prevalence of first-episode psychosis in people diagnosed with it. It also must address the funding and reimbursement for available early intervention services and the uncertainty of clinicians' availability and readiness to implement those services for patients and their families.

Under the act, the program must do the following:

1. develop structured curricula, online resources, and videoconferencing-based case conferences to distribute information for the development of knowledge and skills relevant to patients with first-episode psychosis and their families;
2. assess and improve the quality of early intervention services available to people diagnosed with a recent-onset schizophrenic spectrum disorder across the state;
3. provide expert input on complex cases and launch a referral system for consultation with experts in treating these disorders;
4. share lessons and resources from any campaigns aimed at reducing the duration of untreated psychosis to improve local pathways to care;
5. serve as an incubator for new evidence-based treatment approaches and pilot them across the state;
6. advocate for policies on the financing, regulation, and provision of services for people with these disorders; and
7. collaborate with state agencies to improve outcomes for people diagnosed with first-episode psychosis in areas such as crisis and employment services.

§ 30 — PEDIATRIC HOSPICE CARE

Requires licensed hospices to encourage their nursing staff to spend three weeks each in a pediatric intensive care unit, pediatric oncology unit, and pediatric hospice facility to enhance pediatric care skills and expertise and prepare them for future roles in pediatric hospice care

The act requires licensed hospices to encourage their nursing staff to spend three weeks each in a pediatric intensive care unit, pediatric oncology unit, and pediatric hospice facility to (1) enhance their skills and expertise in pediatric care and (2) prepare them for future roles in pediatric hospice care. The hospices must do this by July 1, 2025, and when hiring new nursing staff.

EFFECTIVE DATE: Upon passage

§ 31 — MINIMUM NURSING HOME STAFFING LEVELS

Establishes a statutory definition of "direct care" for purposes of minimum nursing home staffing levels

Existing law requires DPH to set minimum staffing levels in nursing homes of at least three hours of direct care per resident per day. The act specifies that "direct care" is hands-on care from registered nurses, licensed practical nurses, and nurse's aides, including help with feeding, bathing, toileting, dressing, lifting, and moving; administering medication; promoting socialization; and personal care services. It does not include food preparation, housekeeping, laundry services, maintaining the nursing home's physical environment, or performing administrative tasks.

EFFECTIVE DATE: Upon passage

§§ 32 & 33 — CLINICAL PEERS

Generally increases the requirements to qualify as a clinical peer for insurance adverse determination reviews; requires health carriers to authorize clinical peers to reverse initial adverse determinations that were based on medical necessity

Under existing law, clinical peers doing adverse determination reviews (see *Background — Insurance Reviews*) generally must have a nonrestricted license (in any U.S. state) in the same or similar specialty that typically manages the medical condition, procedure, or treatment under review. Starting in 2026, the act instead generally requires these clinical peers to have a nonrestricted license in the same specialty as the treating physician or other health care professional who is managing the condition, procedure, or treatment under review.

By law, unchanged by the act, for urgent care requests of substance use or mental health disorders under certain circumstances, the clinical peer must be a (1) psychologist with relevant training and clinical experience or (2) psychiatrist.

The act also requires health carriers to authorize clinical peers to reverse initial adverse determinations that were based on medical necessity. This applies when the carrier, as required by law, offers a covered person's health care professional the opportunity to confer with a clinical peer of the carrier following the adverse determination (see *Background — Conference With Clinical Peer Following Adverse Determination*).

EFFECTIVE DATE: January 1, 2025, except the change to the clinical peer definition takes effect January 1, 2026.

Background — Insurance Reviews

Generally, insurance reviews have up to three steps: (1) an initial utilization review to determine if the procedure is covered; (2) a grievance review (i.e., internal review), which occurs when a covered person appeals a benefit denial (i.e., adverse determination); and (3) an external review, which is done when a covered person exhausts a health carrier's internal process and appeals the carrier's adverse determination to the Insurance Department. External reviews, also called final adverse determination reviews, are done by an independent review organization assigned by the department.

Background — Conference With Clinical Peer Following Adverse Determination

The law requires a carrier to offer a covered person's health care professional an opportunity to confer with a clinical peer of the carrier under certain circumstances. This applies:

1. after a covered person or his or her representative or health care professional is notified of an initial adverse determination of a concurrent or prospective utilization review, or of a benefit request, that was at least partially based on medical necessity and
2. as long as the covered person, representative, or health care professional has not already filed a grievance of the initial adverse determination.

§§ 34 & 35 — PRIOR AUTHORIZATION FOR AMBULANCE SERVICES PROHIBITED

Prohibits health carriers from (1) requiring an enrollee to get prior authorization for a medically necessary ambulance transport to a hospital and (2) denying payment to an ambulance provider on the basis that the enrollee did not get prior authorization

The act prohibits certain health insurance policies from requiring an enrollee to get approval from the health carrier (e.g., insurer or HMO) before being transported to a hospital by ambulance when medically necessary. By law, health carriers already cannot require an enrollee to get prior authorization for calling 9-1-1 in a life- or limb-threatening emergency.

The act also prohibits a health carrier from denying payment to an ambulance provider responding to a 9-1-1 call because the enrollee did not get prior authorization for the call or the ambulance transport to a hospital.

The act applies to individual and group health insurance policies delivered, issued, or renewed in the state on or after January 1, 2025, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; (4) accidents only; (5) limited benefits; or (6) 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: January 1, 2025

§ 36 — PEER-RUN RESPITE CENTER

Requires the DMHAS commissioner, within available appropriations, to establish a peer-run respite center, run by a contracted non-profit, to provide peer respite and support services to adults experiencing distress right before or during a mental health crisis

The act requires the DMHAS commissioner, within available appropriations, to establish a peer-run respite center, and contract with a nonprofit peer-run organization to operate it.

Under the act, the respite center must employ specialists with relevant experience and training to provide peer respite and support services for adults experiencing emotional or mental distress right before or during a mental health crisis. Generally, "peer respite services" are trauma-informed, short-term services focused on recovery, resiliency, and wellness. Among other things, "peer support services" promote engagement, socialization, recovery, and self-sufficiency.

The act requires the DMHAS commissioner, by October 1, 2025, to report on the center and related issues.

EFFECTIVE DATE: October 1, 2024

Peer-Run Respite Center

The act requires the peer-run respite center to be operated by a peer-run organization in a safe physical space. The center must employ peer support specialists with a psychiatric history or who have experienced comparable life-interrupting challenges. The specialists must have (1) experience in providing peer respite and support services and (2) completed

training specified by the DMHAS commissioner.

Under the act, "peer respite services" are voluntary, trauma-informed, short-term services provided in a home-like environment that are the least restrictive of individual freedom, culturally competent, and focus on recovery, resiliency, and wellness. "Peer support services" means assistance that promotes engagement, socialization, recovery, self-sufficiency, self-advocacy, development of natural supports, and identification of personal strengths.

Under the act, the peer-run respite center must be operated by a nonprofit peer-run organization that (1) is controlled and operated by people who have psychiatric histories or experienced similar life-interrupting challenges and (2) provides a place for support and advocacy for people experiencing similar challenges.

DMHAS Report

The act requires the DMHAS commissioner, by October 1, 2025, to report to the Public Health Committee and also post the report on the department's website.

The report must identify barriers to implementing the peer-run respite center, if any, and recommend ways to address them. It also must share data on the center's outcomes and effectiveness, and based on that data, make recommendations on establishing more of these centers in the state, including those managed, operated, and controlled by members of certain communities who have psychiatric histories or related lived experience. Specifically, this includes the (1) BIPOC community (i.e., people who are black, indigenous, or people of color); (2) TQI+ community (i.e., people who identify as transgender, queer or questioning, intersex, or other gender identities); and (3) Spanish-speaking community.

The report also must review other states' practices on establishing a peer-run technical assistance center that may:

1. help peer-run respite centers hire and recruit peer support specialists and other staff;
2. promote community awareness of these respite centers;
3. evaluate and identify the need for peer respite services throughout the state;
4. evaluate the effectiveness and quality of peer respite services in the state;
5. hold peer respite services meetings throughout the state to facilitate networking, collaboration, and shared learning;
6. consult respite centers on developing peer respite services;
7. develop resources to support the supervision of peer support specialists; and
8. make recommendations on certain matters, in consultation with respite centers and stakeholders in the TQI+, BIPOC, and Spanish-speaking communities.

Specifically, this last provision includes recommendations on (1) best practices for delivering peer respite services; (2) training requirements for peer support specialists, including specialized requirements depending on the population they serve; and (3) creating a program fidelity tool to measure the extent to which the delivery of peer respite services in the state aligns with the act's requirements and best practices for these services.

§ 37 — PHYSICIAN RECRUITMENT WORKING GROUP

Extends the reporting deadline for the physician recruitment working group and adds to the group's charge the study of issues related to primary care residency and ways to keep those residents in the state

PA 22-81, § 29, required the DPH commissioner to convene a working group to advise her on ways to enhance physician recruitment in the state. This act extends by two years, from January 1, 2024, to January 1, 2026, the deadline for the group to report its findings to the commissioner and the Public Health Committee.

Existing law requires the group to examine, among other things, recruiting, retaining, and compensating primary care, psychiatric, and behavioral health care providers. The act additionally requires it to examine issues related to in-state primary care residency positions and ways to keep these physicians in Connecticut. Under the act, "primary care" is pediatrics, internal or family medicine, obstetrics and gynecology, or psychiatry.

EFFECTIVE DATE: Upon passage

§§ 38 & 39 — DISCRIMINATION AGAINST NURSING HOME APPLICANTS

Makes it a discriminatory practice under the CHRO laws for nursing homes to refuse applicants for admission solely because they received mental health services at any time

The act specifically prohibits nursing homes from refusing to admit applicants for admission solely because they received mental health services at any time. It classifies this as a discriminatory practice under the Commission on Human Rights and Opportunities (CHRO) laws. By doing so, the act allows people aggrieved by these violations, or CHRO itself,

to file a complaint with CHRO alleging discrimination.

Under the act, "mental health services" include counseling, therapy, rehabilitation, crisis intervention, emergency services, or psychiatric medication to screen, diagnose, or treat mental illness.

The act specifies that it does not require nursing homes to admit applicants (1) who pose a direct threat to the health or safety of others, (2) who do not need a nursing home level of care according to state and federal requirements, or (3) whose admission would result in converting the nursing home into an institution for mental diseases.

Existing state regulation permits nursing homes to accept an applicant for admission with a manageable psychiatric condition if a psychiatrist, after an evaluation, determines it is medically appropriate (Conn. Agencies Regs., § 19-13-D13). In addition, federal law requires Medicaid-certified nursing homes to screen applicants for serious mental illness, intellectual disabilities, or related conditions to ensure they are not inappropriately placed in nursing homes (42 C.F.R. §§ 483.100-483.138). Other related federal laws prohibit discrimination based on various factors, including disability, in health care settings (e.g., the Americans with Disabilities Act, 42 U.S.C. §§ 12181(7)(F) & 12182).

EFFECTIVE DATE: October 1, 2024

§ 40 — PRIOR AUTHORIZATION AND PRECERTIFICATION DATA

Starting January 1, 2025, allows hospitals, outpatient surgical facilities, and physician group practices to record and keep data on employee time spent requesting prior authorizations or precertifications from health carriers; permits these entities to make the data available to the Public Health Committee, upon request

Starting January 1, 2025, the act authorizes hospitals, outpatient surgical facilities, and physician group practices (i.e., two or more physicians) to record and keep data on how much time their employees spend when requesting prior authorizations or precertifications from health carriers (e.g., insurers and HMOs) for patient admissions, services, medication, procedures, or extended stays. This includes time spent speaking directly with the health carrier, physician peer-to-peer conversations about the prior authorization or precertification, and writing appeals of a denied request.

Under the act, these entities may (1) use prior authorization and precertification codes generated by a Connecticut hospital association to uniformly record the data and (2) make the data available to the Public Health Committee, upon request of its chairpersons or ranking members.

EFFECTIVE DATE: Upon passage

PA 24-30—HB 5197
Public Health Committee

AN ACT CONCERNING SOCIAL WORKERS

SUMMARY: This act enters Connecticut into the Social Work Licensure Compact. The compact creates a process for social workers to obtain a multistate license, allowing them to practice in any member state (including by telehealth). Member states must grant a multistate license in one of three categories (clinical, master's, or bachelor's) to social workers who meet the compact's eligibility requirements. The Social Work Licensure Compact Commission administers the compact, and Connecticut joins the commission under the act.

Among other provisions, the compact:

1. sets eligibility criteria for states to join the compact and for social workers to practice under it,
2. addresses several matters related to disciplinary actions for licensees practicing under the compact,
3. allows the commission to levy an annual assessment on member states and fees on multistate licensees to cover its operational costs,
4. only allows amendments to the compact to take effect if all member states adopt them into law, and
5. has a process for states to withdraw from it.

In practice, the compact is still in the process of being implemented. Below is a broad overview of the compact.

Additionally, under the act, the public health commissioner must require anyone applying for social worker licensure to submit to a state and national fingerprint-based criminal history records check by the Department of Emergency Services and Public Protection (§ 2). This corresponds to a compact requirement (see *State Participation in the Compact* and *Social Worker Participation in the Compact*, below).

EFFECTIVE DATE: Upon passage

SOCIAL WORK LICENSURE COMPACT

Compact Overview

The Social Work Licensure Compact creates a process for social workers to obtain a multistate license from their home state, allowing them to practice in any member state (including by telehealth) under a multistate authorization to practice. A licensee providing services in a remote state under this authorization must follow the laws of the remote state where the client is located.

Under the compact, a "member state" is a state that has enacted the compact. A "home state" is the member state that is the licensee's primary domicile. A "remote state" is a member state, other than the licensee's home state. A "state" is a U.S. state, commonwealth, district, or territory that regulates social work.

State Participation in the Compact (§ 1(3))

To be eligible to participate in the compact, a state must do the following:

1. license and regulate social work at the clinical, master's, or bachelor's category;
2. require licensure applicants to graduate from a program meeting specified requirements (e.g., related to accreditation);
3. require clinical licensure applicants to complete a supervised practice period; and
4. have a way to receive, investigate, and adjudicate complaints about licensees.

To maintain compact membership, a member state must also do the following:

1. require applicants for a multistate license to pass a qualifying national exam corresponding to their licensure category;
2. participate fully in the commission's licensee data system, including using the commission's unique identifier;
3. notify the commission, in compliance with the compact's terms and rules, about any adverse action (e.g., license revocation or suspension) or the availability of current significant investigative information about a licensee (e.g., information that the licensee represents an immediate threat to public health and safety);
4. implement procedures for considering the criminal history records of multistate license applicants, including the applicants' submission of fingerprints or other biometric-based information to obtain these records from the FBI and the state agency that keeps criminal records;
5. comply with the commission's rules;
6. require applicants to be licensed in the home state and meet the home state's qualifications for licensure or licensure renewal and other applicable state laws;
7. authorize a multistate licensee in any member state to practice according to the compact and the commission's rules; and
8. designate a delegate to participate in the commission's meetings.

Under the compact, a member state meeting the above requirements must designate which multistate licensure categories it will issue. If a member state does not meet the participation requirements for a particular license category, the state may choose to issue a multistate license to applicants that otherwise meet the licensure requirements for that category or categories.

The compact allows home states to charge a fee for the multistate license.

Social Worker Participation in the Compact (§ 1(4))

To be eligible for a multistate license under the compact, an applicant (in any category) must meet the following requirements:

1. hold or be eligible for an active, unencumbered license in the home state;
2. pay any state fees or other applicable fees for the multistate license;
3. submit fingerprints or other biometric data;
4. notify the home state within 30 days after being subject to any adverse action, encumbrance, or restriction on any professional license by any member or non-member state;
5. meet the home state's continuing competence requirements, if any; and
6. comply with the laws, regulations, and standards in the member state where a client is located.

The compact also sets specific requirements for the three licensure categories. For all categories, the compact requires a social worker to complete one of the following:

1. passage of a qualifying national exam in the clinical, master's, or bachelor's category, as applicable;
2. licensure in the home state in the applicable category, beginning before the home state required a national exam and followed by a period of continuous social work licensure since then; or
3. substantial equivalency of the above as the commission determines by rule.

The compact requires a social worker to have a master's degree in social work for the clinical or master's category, or a bachelor's for that category, from a school meeting specified criteria (e.g., related to accreditation).

For the clinical category only, the compact requires a social worker to complete one of the following:

1. 3,000 hours of postgraduate supervised clinical practice;
2. two years of full-time postgraduate supervised clinical practice; or
3. substantial equivalency of the above as the commission determines by rule.

License Renewal. Under the compact, a multistate license is subject to the home state's renewal requirements. To be eligible to renew, the social worker must maintain compliance with the above general requirements.

Issuance of a Multistate License (§ 1(5))

Under the compact, upon receiving an application for a multistate license, the home state's licensing authority must determine whether the applicant is eligible. If so, it must issue a multistate license (in one of the three categories) authorizing the person to practice in all member states under a multistate authorization to practice. All member states must recognize the license.

Reissuance of a Multistate License by a New Home State (§ 1(7))

The compact allows a licensee to hold a multistate license, issued by his or her home state, in only one member state at a time.

It sets a process for social workers who move from one member state to another to obtain a reissued multistate license in the new home state (e.g., payment of applicable fees and verification by the new home state that the person meets specified requirements).

For social workers who change their primary state of residence from a member state to a nonmember state or vice versa, the new state's criteria apply to the issuance of a single state license.

The compact specifies that it does not prevent licensees from holding single state licenses in multiple states, but they may have only one home state for purposes of the compact and one multistate license. It also does not interfere with a member state's requirements for issuing a single state license.

Military Families (§ 1(8))

The compact requires an active-duty military member, or their spouse, to designate a home state where the person has a multistate license. The person may keep this designation while the service member is on active duty.

Respective States' Authority and Adverse Actions (§ 1(4), (6) & (9))

The compact addresses several matters related to states' authority to investigate and discipline social workers practicing under its procedures. It maintains member states' authority to regulate social work in a way that is consistent with the compact, and a social worker's services in a remote state are subject to that state's regulatory authority.

The following are examples of the regulatory structure under the compact:

1. a home state has exclusive authority to take adverse action against a social worker's multistate license, but a remote state may take adverse action against a social worker's multistate authorization to practice within that state and may issue subpoenas, impose fines, and take other necessary action to protect its citizens;
2. for taking adverse action, a licensee's home state must give the same priority to conduct reported from other member states as it would to conduct within the home state;
3. if a social worker's multistate license is encumbered or subject to adverse action, his or her multistate authorization to practice is deactivated in all remote states until the encumbrance is lifted;
4. if allowed by that state's law, a member state may recover from a social worker the investigation and disposition costs for cases resulting from adverse actions;
5. if a member state takes adverse action, it must promptly notify the data system administrator (see below), who must promptly notify the home state and all member states about any adverse actions by remote states;
6. a member state may allow licensees to participate in an alternative program for impaired practitioners rather than imposing an adverse action; and
7. the compact does not authorize a member state to discipline a social worker with a multistate authorization to practice for lawful actions within another member state.

Social Work Licensure Compact Commission (§ 1(10) & (12))

The Social Work Licensure Compact Commission administers the compact, and it consists of one delegate appointed by each member state's social worker licensing authority. (In practice, the commission's first meeting is anticipated to occur in fall of 2024.) The compact sets several powers, duties, and procedures for the commission. For example, the commission:

1. must make reasonable rules to implement and administer the compact, which are generally subject to public hearing and comment (a rule has no further effect if a majority of the member states' legislatures reject it within four years after the rule's adoption);
2. may levy and collect an annual assessment from each member state and impose fees on social workers with multistate licenses to cover the costs of its operations; and
3. must have its receipts and disbursements financially reviewed yearly and include the review in its required annual report.

The compact addresses several other matters regarding the commission and its operations, such as setting conditions under which its members, officers, and employees are immune from civil liability.

By adopting the compact, Connecticut joins the commission.

Data System (§ 1(11))

Member states must submit specified licensee information for inclusion in a database the commission creates. The compact addresses several matters related to this data system, such as establishing the following:

1. current significant investigative information about a licensee in any member state is only available to other member states;
2. adverse action information about a licensee in any member state is available to other member states, and member states must report any adverse action against licensees and monitor the database to determine whether these actions were taken; and
3. member states that contribute information to the data system may designate information that may not be shared publicly without the state's express permission.

Compact Oversight, Enforcement, Member Withdrawal, and Related Matters (§ 1(13)-(16))

Among other related provisions, the compact:

1. requires each member state's executive and judicial branches to enforce the compact and take all necessary and appropriate steps to implement it;
2. requires the commission to take specified steps if a member state defaults on its obligations under the compact, and after exhausting all other means of securing compliance, allows a defaulting state to be terminated from the compact upon a majority vote of the member states' delegates;
3. requires the commission, upon a member state's request, to try to resolve a compact-related dispute among member states and between member and non-member states;
4. allows the commission to bring legal action to enforce compliance against a defaulting member state upon a majority vote (the case may be brought in the U.S. District Court for the District of Columbia or the federal district where the commission's principal offices are located);
5. allows a member state to withdraw from the compact by passing a law to do so, but withdrawal does not take effect until 180 days after the law's enactment;
6. allows member states to amend the compact, but an amendment does not take effect until all member states enact it into law;
7. makes its provisions severable and requires that they be liberally construed to carry out its purposes, and if any compact provision is held unconstitutional (as to a state constitution or the U.S. Constitution), the rest of the compact's validity is unaffected; and
8. supersedes any conflicting laws or other legal requirements in member states, to the extent of the conflict.

PA 24-53—SB 178
Public Health Committee

AN ACT REQUIRING THE EDUCATION AND TRAINING OF BARBERS, HAIRDRESSERS AND COSMETICIANS TO INCLUDE WORKING WITH TEXTURED HAIR

SUMMARY: This act requires the Department of Public Health (DPH) commissioner, in consultation with the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians, to amend the curriculum requirements for barber schools and hairdressing and cosmetology schools to include education and training in providing services to people with textured hair (i.e., coiled, curly, or wavy hair). This must include working with various curl and wave patterns, hair strand thicknesses, and hair volumes. For the barber school curriculum only, the amendment must occur through DPH regulations.

By law, DPH, in consultation with the board, (1) must adopt regulations setting the minimum curriculum requirements for barber schools but (2) under specified procedures, may adopt the curriculum while in the process of adopting regulations. DPH, in consultation with the board, must adopt the curriculum for hairdressing and cosmetology schools and post it on the department's website.

EFFECTIVE DATE: July 1, 2024

PA 24-68—sHB 5290
Public Health Committee
Judiciary Committee

AN ACT CONCERNING VARIOUS REVISIONS TO THE PUBLIC HEALTH STATUTES

TABLE OF CONTENTS:

Creates a process for a parent of a child born outside of a hospital or other institution, if the birth certificate has not been created, to seek a court order for the certificate before the child's first birthday

§ 2 — ACCESS TO CERTAIN VITAL RECORDS

Gives a person's legal custodian the right to access the person's birth or fetal death certificate and specifies that for guardians, this right applies to legal guardians

§ 3 — AQUIFER PROTECTION AREAS OR WATERSHEDS

Clarifies notice requirements for zoning-related applications that could impact an aquifer protection area or water company's watershed

§ 4 — SCHOOL-BASED HEALTH CENTER ADVISORY COMMITTEE

Broadens the qualification criteria for one of the governor's appointees to the SBHC Advisory Committee

§ 5 — FOOD ESTABLISHMENTS

Requires DPH to notify, rather than consult with, DCP before granting a variance from food code requirements; removes the requirement for food establishments to register with DPH before receiving their local permit

§ 6 — ONLINE LICENSE RENEWAL

Generally expands DPH's online license renewal system to include all DPH-licensed professions, rather than just a subset of providers

§ 7 — MEDICAL ORDERS FOR LIFE-SUSTAINING TREATMENT (MOLST)

Removes the requirement that a witness sign the form before a patient may participate in the MOLST program

§ 8 — DENTAL SEDATION OR ANESTHESIA

Streamlines the process for dentists seeking a moderate sedation or general anesthesia permit for multiple locations after they have been approved for one location; requires DPH to post online a list of required equipment, personnel, and emergency medications for dental locations that administer moderate or deep sedation or anesthesia; makes other changes to this permit process

§ 9 — WATER OPERATORS-IN-TRAINING

Codifies existing practice by authorizing DPH to issue certificates for water treatment plant or water distribution system operators-in-training

§§ 10-14 — ALKALINE HYDROLYSIS

Defines cremation as including "alkaline hydrolysis" (a flameless cremation method); allows a crematory to perform alkaline hydrolysis only if it is located on the grounds of a funeral home; otherwise subjects this practice to the same laws as standard cremation

§ 15 — EMERGENCY MEDICAL SERVICES (EMS) ADMINISTRATION OF EPINEPHRINE

Requires EMS personnel trained in administering epinephrine to do so only if the medication is available, and limits emergency medical responders' required training in this regard to methods that are within their scope of practice

§ 16 — WELLS

Revises certain provisions on private and semipublic well testing by, among other things, specifying that (1) DPH or the local health authority (with DPH's approval) may share test results with certain people (such as the current or prospective property owner) and (2) newly constructed wells must not be used for domestic purposes until the local health authority determines that their test results are satisfactory

§ 17 — SUSPECT ASBESTOS-CONTAINING MATERIALS

Specifies that asbestos abatement includes actions relating to suspect asbestos-containing materials

§§ 18-29 — ENVIRONMENTAL HEALTH SPECIALISTS

Updates statutory terminology by replacing the term "sanitarian" with "environmental health specialist"

§ 30 — TECHNICAL CHANGES

Makes technical changes

§ 31 — BIRTH CENTERS

Allows birth centers to become licensed while in the process of applying for accreditation and sets conditions for license renewal; makes a birth center's license subject to summary suspension and disciplinary action if the center fails to notify DPH and stop providing services following the loss or denial of its accreditation

§§ 32 & 33 — DPH CIVIL PENALTIES

Lowers the maximum civil penalty that DPH may impose against individual health care providers from $25,000 to $10,000; generally authorizes DPH, after a hearing, to impose a civil penalty of up to $25,000 on a health care institution that substantially failed to comply with statutory or regulatory requirements

§§ 34 & 35 — COVERED LICENSES FOR MILITARY SERVICEMEMBERS OR SPOUSES

Creates a process for DPH to recognize "covered licenses" for military servicemembers or their spouses, in line with federal law

§ 36 — HOMEMAKER-COMPANION AGENCY TRANSITION PLAN DEADLINE

Extends by four months the deadlines for OPM to report on a plan to transfer the oversight of homemaker-companion agencies from DCP to DPH

§ 37 — MEDICAL ASSISTANTS

Adds to the list of organizations from whom a clinical medical assistant may be certified for purposes of qualifying to administer vaccines in non-hospital settings

§ 38 — MARITAL AND FAMILY THERAPIST LICENSURE

Increases, from 12 to 24 months, the duration of the postgraduate experience generally required for MFT licensure

§ 39 — TRIBAL ACCESS TO STATE'S ELECTRONIC VITAL RECORDS SYSTEM

Requires DPH, upon the request of the Mashantucket Pequot or Mohegan tribe, to grant the tribe access to the state's birth and death registries in DPH's electronic vital records system, and sets related procedures and requirements

§ 40 — MASTER SOCIAL WORKER LICENSURE

Allows a master social worker licensure candidate's degree to be from a program that is in the process of getting accredited, before the spring 2028 semester

§ 41 — HAIRDRESSER AND COSMETICIAN LICENSURE TESTING ACCOMMODATIONS

Requires the DPH commissioner to notify hairdresser and cosmetician licensure applicants that they may be eligible for certain testing accommodations

§ 42 — FLUOROSCOPY BY APRNS

Allows APRNs meeting certain training, experience, and examination requirements to use fluoroscopy for diagnostic and therapeutic procedures, if they do so in collaboration with a physician trained in radiation protection, and while wearing a radiation safety badge

§§ 43-60 — TECHNICAL CHANGES

Makes technical changes in various statutes

§ 61 — NATUROPATH SCOPE OF PRACTICE COMMITTEE

Requires DPH to conduct a scope of practice review on whether naturopathic physicians should be allowed to prescribe, dispense, and administer prescription medication and if so, whether DPH should establish qualifications for this or develop a naturopathic formulary

§ 62 — MEDICAL IMAGING AND RESPIRATORY CARE PRACTITIONER SHORTAGE TASK FORCE

Extends by one year the reporting deadline for a task force on ways to address the shortage of certain practitioners

§ 63 — CONNIE WORKING GROUP

Moves up by one year the deadline for OHS to create a working group to make recommendations on the regulations, policies, and procedures for participating in the Statewide Health Information Exchange ("Connie")

SUMMARY: This act makes various substantive, minor, and technical changes in Department of Public Health (DPH)-related statutes and programs and other health care-related laws. A section-by-section analysis follows.
EFFECTIVE DATE: Various; see below.

§ 1 — BIRTH CERTIFICATES

Creates a process for a parent of a child born outside of a hospital or other institution, if the birth certificate has not been created, to seek a court order for the certificate before the child's first birthday

Under existing law, when a birth occurs outside of an institution, the physician or midwife in attendance must prepare and file the birth certificate, or if none of these providers are in attendance, the parent must do so. The act specifies that the provider or parent must do so according to procedures in existing regulations. For example, parents in this situation must complete a draft certificate and give certain documents to the town registrar of vital statistics to verify the birth circumstances.

Existing law allows a parent (or legal guardian) who is unable to comply with these requirements to request that DPH issue a delayed birth registration after the child is at least one year old, and if that is denied, the parent may petition the probate court for an order requiring DPH to prepare the certificate (CGS § 7-57).

The act provides a process for a parent whose child was born outside an institution, but who cannot provide the required information to the town registrar of vital statistics, to seek a probate court order for a birth certificate during the child's first year. Specifically, the parent may petition the probate court in the district where the birth allegedly occurred to seek an order requiring the birth town's registrar to create and file the certificate. The court process under the act (see below) is similar to the existing court process for delayed birth registration for children one year old or older.
EFFECTIVE DATE: October 1, 2024

Probate Court Process for Birth Certificate in Child's First Year

Under the act, a parent petitioning the probate court in these cases must include with the petition the affidavits and other documentary evidence submitted to the local registrar as required by regulations. The court must schedule a hearing, with notice given to the petitioner, the child's other parent or legal guardian if not the petitioner, the town registrar, and anyone else the court determines has an interest in the hearing.

At the hearing, the registrar or registrar's authorized representative may appear and testify. The petitioner has the burden of proving, by a preponderance of the evidence, the child's parentage and that the birth occurred on the date and at the place alleged. If the court finds that the petitioner meets this burden, it must issue an order directing the registrar to prepare, register, and file the birth certificate.

In these proceedings, the court, on its own motion or that of a party, can order genetic testing to determine parentage, under existing procedures for these tests. The petitioner must pay for any test the court orders, unless the court finds the person to be indigent; in that case, DPH must pay for it. If the test shows at least a 99% probability that a person is the parent of the child, there is a rebuttable presumption that the person is the parent.

§ 2 — ACCESS TO CERTAIN VITAL RECORDS

Gives a person's legal custodian the right to access the person's birth or fetal death certificate and specifies that for guardians, this right applies to legal guardians

Existing law gives various parties the right to access a person's certified birth and fetal death records and certificates, such as the person's child, grandchild, spouse, parent, grandparent, or guardian. The act extends this right to a person's legal custodian. It also specifies that for guardians, this right applies to someone's legal guardian.
EFFECTIVE DATE: October 1, 2024

§ 3 — AQUIFER PROTECTION AREAS OR WATERSHEDS

Clarifies notice requirements for zoning-related applications that could impact an aquifer protection area or water company's watershed

Under prior law, applicants generally had to notify water companies and DPH when seeking local approval for certain projects in aquifer protection areas or a water company's watershed. The act instead specifies that this notice requirement applies when the application concerns land that (in whole or part) is within those areas or watersheds. It also makes conforming changes (e.g., requiring the applicant to determine if the land, rather than project, is within one of these watersheds by using maps posted on DPH's website).

As under prior law, (1) these requirements apply to certain applications, petitions, requests, or plans filed with a municipality's zoning commission or board of appeals and (2) the company and DPH have the right to be heard at any hearing on these applications.
EFFECTIVE DATE: July 1, 2024

§ 4 — SCHOOL-BASED HEALTH CENTER ADVISORY COMMITTEE

Broadens the qualification criteria for one of the governor's appointees to the SBHC Advisory Committee

By law, the governor appoints two members to the School-Based Health Center (SBHC) Advisory Committee. Prior law required one of these members to be a representative of a hospital-sponsored SBHC. The act additionally allows this member to be a children's hospital staff member or a pediatric health care clinician.

As under existing law, the governor's other appointee to the committee must represent the Connecticut Chapter of the American Academy of Pediatrics.

By law, the 20-member committee advises the DPH commissioner on specified issues related to SBHCs and expanded school health sites.
EFFECTIVE DATE: Upon passage

§ 5 — FOOD ESTABLISHMENTS

Requires DPH to notify, rather than consult with, DCP before granting a variance from food code requirements; removes the requirement for food establishments to register with DPH before receiving their local permit

The act eliminates the requirement that the DPH commissioner consult with the Department of Consumer Protection (DCP) commissioner when granting a food establishment a variance from food code requirements, and instead requires the DPH commissioner to notify the DCP commissioner before granting a variance. As under existing law, the DPH commissioner may grant a variance if she determines that doing so would not result in a health hazard or nuisance.

The act also removes the requirement that food establishments register with DPH and give the local health director proof of registration before the local director issues a permit to the establishment. Under prior law, this registration requirement applied to food establishments, with limited exceptions. Existing law requires food establishments, before operating, to get a permit from the local health director for the municipality in which they are located.
EFFECTIVE DATE: July 1, 2024

§ 6 — ONLINE LICENSE RENEWAL

Generally expands DPH's online license renewal system to include all DPH-licensed professions, rather than just a subset of providers

Existing law generally requires physicians, dentists, nurses, and nurse-midwives to renew their licenses through DPH's online renewal system and to pay professional service fees online using a credit card or electronic funds transfer. The act generally extends these requirements to other DPH-licensed professions.

As under existing law, the act allows an exception in extenuating circumstances, in which case DPH can allow the licensee to renew the license using a paper form and pay the professional service fees by check or money order. These circumstances include not having access to a credit card, which the licensee must document by submitting a notarized affidavit to DPH.

EFFECTIVE DATE: July 1, 2024

§ 7 — MEDICAL ORDERS FOR LIFE-SUSTAINING TREATMENT (MOLST)

Removes the requirement that a witness sign the form before a patient may participate in the MOLST program

By law, DPH oversees a "medical orders for life-sustaining treatment" (MOLST) program. A MOLST is a medical order written by a physician, advanced practice registered nurse (APRN), or physician assistant to effectuate a patient's request for life-sustaining treatment when a physician or APRN has determined the patient is approaching the end stage of a serious, life-limiting illness or is in a condition of advanced, chronic progressive frailty.

By law, to agree to participate, a patient or the patient's legally authorized representative must sign the MOLST form. The act removes the requirement that a witness also sign it.

EFFECTIVE DATE: Upon passage

§ 8 — DENTAL SEDATION OR ANESTHESIA

Streamlines the process for dentists seeking a moderate sedation or general anesthesia permit for multiple locations after they have been approved for one location; requires DPH to post online a list of required equipment, personnel, and emergency medications for dental locations that administer moderate or deep sedation or anesthesia; makes other changes to this permit process

Under existing law, dentists must obtain a DPH permit to administer moderate or deep sedation or general anesthesia. The act makes several changes to this law, as described below.

EFFECTIVE DATE: October 1, 2024

Reinstated Permits and Other Miscellaneous Changes

Under existing law, a dentist must meet certain requirements to obtain an initial permit, including (1) having an approved person complete an on-site evaluation meeting certain criteria, (2) complying with specified guidelines from the American Dental Association, and (3) paying a $200 application fee. The act specifies that these criteria also apply to a dentist seeking reinstatement of a lapsed permit.

It also specifies that (1) dentists (for initial or reinstated permits) must comply with the guidelines referenced in the law or successor guidelines; (2) for permit renewal, the required on-site evaluation must have occurred within the prior five years; and (3) the State Dental Commission, rather than just the DPH commissioner as under prior law, may deny or revoke a permit based on disciplinary action against the dentist.

Process to Approve Additional Facilities

Under the act, an applicant with an existing permit may administer moderate sedation or general anesthesia at an additional facility that has had an approved on-site evaluation (following existing procedures) or waiver of this requirement. The commissioner may grant the waiver if the facility has been evaluated within the prior five years for an initial permit or reinstatement of a lapsed permit. A waiver applicant must apply in writing, as DPH specifies. The commissioner may impose any conditions deemed appropriate when granting the waiver, or may revoke a waiver upon a finding that a patient's health, safety, or welfare has been jeopardized.

Required Equipment, Personnel, and Medications

The act requires the commissioner, in consultation with the Connecticut Society of Oral and Maxillofacial Surgeons' Anesthesia Committee, to post on DPH's website a list of required equipment, personnel, and emergency medications for dental facilities that administer moderate sedation, deep sedation, or general anesthesia. The commissioner must also distribute the list to all dentists with these permits.

Under the act, these dentists must maintain all required equipment, personnel, and medications at each facility where the sedation or anesthesia will occur.

§ 9 — WATER OPERATORS-IN-TRAINING

Codifies existing practice by authorizing DPH to issue certificates for water treatment plant or water distribution system operators-in-training

The act codifies existing practice by authorizing DPH to issue certificates for water treatment plant or water distribution system operators-in-training. It prohibits anyone from operating these plants or distribution systems as an operator-in-training without a DPH certificate and requires DPH's regulations to include standards and procedures for issuing these certificates. As under existing law for operators, the operator-in-training certificate fee is $224. The certificate is valid for six years and is not renewable. (Operator certificates are valid for three years and are renewable.)

The act also makes conforming changes, such as applying the same grounds for disciplinary action against operators-in-training as already apply to operators.

EFFECTIVE DATE: Upon passage

§§ 10-14 — ALKALINE HYDROLYSIS

Defines cremation as including "alkaline hydrolysis" (a flameless cremation method); allows a crematory to perform alkaline hydrolysis only if it is located on the grounds of a funeral home; otherwise subjects this practice to the same laws as standard cremation

Prior law authorized funeral directors to engage in consultations about alkaline hydrolysis as a way to dispose human remains, but did not otherwise specifically regulate this practice. Generally, "alkaline hydrolysis" is a flameless cremation method that uses water, chemicals, heat, and pressure to accelerate a body's natural decomposition.

Under the act, "cremation" is disposing a body through incineration or alkaline hydrolysis, and a "crematory" is an establishment at which human remains are reduced to bone fragments through either practice. The act allows a crematory to perform alkaline hydrolysis only if it is located on the grounds of a licensed funeral home.

Otherwise, the act subjects alkaline hydrolysis to the same requirements as incineration under existing law (e.g., the required cremation certificate and related recordkeeping requirements). The act specifies that alkaline hydrolysis may not be performed without the required cremation permit.

The act also makes conforming changes.

EFFECTIVE DATE: Upon passage

§ 15 — EMERGENCY MEDICAL SERVICES (EMS) ADMINISTRATION OF EPINEPHRINE

Requires EMS personnel trained in administering epinephrine to do so only if the medication is available, and limits emergency medical responders' required training in this regard to methods that are within their scope of practice

Under existing law, starting July 1, 2024, EMS personnel must administer epinephrine using certain equipment (e.g., automatic prefilled cartridge injectors) under specified conditions, including that the professional is trained to do so and determines that administering epinephrine is necessary to treat the person. The act specifies that they are required to administer epinephrine only when it is available. By law, all licensed or certified ambulances must be equipped with this medication.

Existing law requires EMS personnel to be trained on administering epinephrine. The act requires this training to be in line with national standards that the DPH commissioner recognizes, rather than from an organization she designates. Under the act, emergency medical responders (EMRs) need only be trained to use means of administering epinephrine that are within an EMR's scope of practice.

Additionally, the act requires EMS personnel's administration of epinephrine to be under written protocols and

standing orders of a physician serving as an EMS medical director, rather than an emergency department director as under prior law.
EFFECTIVE DATE: July 1, 2024

§ 16 — WELLS

Revises certain provisions on private and semipublic well testing by, among other things, specifying that (1) DPH or the local health authority (with DPH's approval) may share test results with certain people (such as the current or prospective property owner) and (2) newly constructed wells must not be used for domestic purposes until the local health authority determines that their test results are satisfactory

Disclosure of Test Results

By law, an environmental laboratory that conducts a water quality test on a private or semipublic well must report the results to DPH and the local health authority. Prior law made the test results confidential, along with information obtained from any related investigation or morbidity and mortality study. The act creates an exception by specifying that DPH and the local health authority, with the commissioner's approval, may disclose the test results or investigation information to the following:

1. the property owner,
2. a prospective buyer who has signed a purchase contract,
3. a state agency's agent, or
4. other people or entities when disclosure is needed for DPH or the local health authority to carry out their duties under law or regulation.

Testing of New Wells

By law, property owners must test the water quality of newly constructed private or semipublic wells, and the testing must screen for several contaminants. Under prior law, this had to include testing for lead. The act instead requires lead testing only if the well is built for an existing structure, in which case a first draw sample from the existing plumbing system must be tested for lead. Under the act, a "first draw sample" is a one-liter sample of tap water that has been standing in plumbing pipes for at least six hours and collected without flushing the tap.

The act requires the property owner to submit the test results to the local health authority, rather than DPH, in a form and manner DPH sets. The local health authority must then determine whether the test results comply with the maximum contaminant levels set by DPH regulations. The act prohibits a newly built private or semipublic well from being used for domestic purposes (e.g., drinking, cooking, bathing, or washing dishes or clothes) until the local health authority determines that the test results are satisfactory.

The act also makes minor and technical changes to provisions on the withholding or revocation of a certificate of occupancy based on well testing.
EFFECTIVE DATE: Upon passage

§ 17 — SUSPECT ASBESTOS-CONTAINING MATERIALS

Specifies that asbestos abatement includes actions relating to suspect asbestos-containing materials

Existing law sets various requirements and standards related to asbestos abatement and generally defines this as the removal, encapsulation, enclosure, renovation, repair, demolition, or other disturbance of asbestos-containing materials. The act specifies that asbestos abatement includes these actions for "suspect asbestos-containing materials," which under the act are interior and exterior materials with a reasonable likelihood of containing asbestos due to their appearance, composition, and use.
EFFECTIVE DATE: Upon passage

§§ 18-29 — ENVIRONMENTAL HEALTH SPECIALISTS

Updates statutory terminology by replacing the term "sanitarian" with "environmental health specialist"

The act replaces the term "sanitarian" with "environmental health specialist" throughout the statutes. By law, these

DPH-licensed professionals must be trained in environmental health and qualified to perform related duties such as investigating air, water, and food, and municipalities or district health departments must provide for the services of such a professional.
EFFECTIVE DATE: July 1, 2024

§ 30 — TECHNICAL CHANGES

Makes technical changes

The act makes technical changes in a law on asbestos contractors.
EFFECTIVE DATE: October 1, 2024

§ 31 — BIRTH CENTERS

Allows birth centers to become licensed while in the process of applying for accreditation and sets conditions for license renewal; makes a birth center's license subject to summary suspension and disciplinary action if the center fails to notify DPH and stop providing services following the loss or denial of its accreditation

The act eliminates the requirement for birth centers to be accredited by the Commission for the Accreditation of Birth Centers on or before the effective date of their licensure. Instead, it requires initial licensure applicants to have applied in full to the commission for accreditation before applying to DPH for licensure. If the center meets the act's requirements, DPH must issue the license. Under the act, the initial license is generally valid for one year, but the commissioner may extend it for a second year while the center is completing accreditation.

The act requires birth centers to be accredited by the time of their first license renewal. After that, as under prior law, the center must maintain its accreditation and the license must be renewed every two years.

Under the act, birth center licenses may be renewed:

1. after an unscheduled DPH inspection;
2. upon DPH's approval of a report from the birth center on its operations, filed in a form and manner DPH sets; and
3. if the commissioner determines that there is evidence showing that the center has continued to comply with the act's requirements.

Under existing law, if a birth center loses accreditation, it must immediately notify the DPH commissioner and stop providing birth center services to patients until the commissioner authorizes it to reinstate services. The act also requires a birth center to do this if it is denied accreditation before its license is renewed. In either case, the act specifies that DPH sets the form and manner of this notice. Under the act, if a birth center in this situation fails to notify DPH and stop providing services, the center's license is subject to summary suspension and disciplinary action specified by law.
EFFECTIVE DATE: Upon passage

§§ 32 & 33 — DPH CIVIL PENALTIES

Lowers the maximum civil penalty that DPH may impose against individual health care providers from $25,000 to $10,000; generally authorizes DPH, after a hearing, to impose a civil penalty of up to $25,000 on a health care institution that substantially failed to comply with statutory or regulatory requirements

The act lowers, from $25,000 to $10,000, the maximum civil penalty that DPH or its licensing boards or commissions may impose, under existing procedures, against individual health care providers.

The act also generally authorizes the DPH commissioner, after a hearing held under the Uniform Administrative Procedure Act, to impose a civil penalty of up to $25,000 on a health care institution (e.g., a hospital, outpatient surgical facility, or long-term care facility) when she finds that the institution substantially failed to comply with statutory requirements, the Public Health Code, or licensing regulations. But DPH may not assess this penalty for violations arising from complaints filed with the department before July 1, 2024, except for violations of regulatory requirements on patient abuse or neglect as defined in specified federal regulations for long-term care facilities (42 C.F.R. § 483.5).

Existing law already authorizes the commissioner to take various other disciplinary actions for these compliance failures, such as suspending or revoking the license or imposing a corrective action plan. Existing law also authorizes DPH to impose civil penalties against health care institutions under certain circumstances, including penalties against (1) facility owners if, after an inspection or investigation, the facility is found to be out of compliance with regulations or a consent order (CGS § 19a-491(b)) or (2) nursing homes or residential care homes for violations of statutory or regulatory

requirements (CGS §§ 19a-527 & 19a-527a).
EFFECTIVE DATE: July 1, 2024

§§ 34 & 35 — COVERED LICENSES FOR MILITARY SERVICEMEMBERS OR SPOUSES

Creates a process for DPH to recognize "covered licenses" for military servicemembers or their spouses, in line with federal law

In 2023, Congress amended the Servicemembers Civil Relief Act (SCRA) to allow the portability of servicemembers' and their spouses' professional licenses ("covered licenses"; see *Background — Covered Licenses*) for the duration of any military orders requiring them to relocate outside of the jurisdiction that issued their licenses.

The act requires the DPH commissioner, by July 1, 2024, to publish an application for each DPH-issued occupational or professional license, permit, certification, and registration (collectively, "credential") that collects the applicant information the department needs to recognize a covered license. The act prohibits DPH from charging a fee to any covered license holder who applies to the department for a credential.

Under the act, after DPH determines that an applicant is eligible for license recognition under the SCRA, it must issue to him or her a specially designated credential for the applicable occupation or profession. DPH must record the credential in its registry of credentials for that particular scope of practice and discipline. The credential is subject to laws on disciplinary action that apply to other DPH-issued credentials.

Generally, the credential expires when the military no longer requires the person's residency in the state. But if the person has submitted a complete application to the department for an appropriate license, registration, or permit to practice, the credential expires when DPH makes a final determination on the application.
EFFECTIVE DATE: Upon passage, except a conforming change takes effect July 1, 2024.

Background — Covered Licenses

Under the SCRA, a covered license is any professional license or certificate, other than a license to practice law, that (1) is in good standing with the issuing licensing authority and (2) the servicemember or spouse has actively used during the two years immediately before his or her relocation (50 U.S.C. § 4025a).

Under the SCRA, if the servicemember or spouse is eligible to practice under an interstate compact that Connecticut is part of, he or she is subject to the compact's provisions, including establishing eligibility to practice, not the SCRA.

Background — Existing State Law

Existing law generally requires DPH to issue occupational or professional licenses, permits, certifications, or registrations to an active-duty service member or the person's spouse, under certain conditions (e.g., the person holds a valid credential from another jurisdiction, has a certain amount of experience, is in good standing, and pays any credentialing fees).

§ 36 — HOMEMAKER-COMPANION AGENCY TRANSITION PLAN DEADLINE

Extends by four months the deadlines for OPM to report on a plan to transfer the oversight of homemaker-companion agencies from DCP to DPH

Existing law requires the Office of Policy and Management (OPM) secretary, in consultation with the DCP and DPH commissioners, to develop a plan to transfer homemaker-companion agency registration and oversight responsibilities from DCP to DPH. The act extends from August 1, 2024, to December 1, 2024, the deadline for the secretary to report on the plan to the Aging, General Law, and Public Health committees.
EFFECTIVE DATE: Upon passage

§ 37 — MEDICAL ASSISTANTS

Adds to the list of organizations from whom a clinical medical assistant may be certified for purposes of qualifying to administer vaccines in non-hospital settings

By law, clinical medical assistants meeting specified certification, education, training, and supervision requirements

may administer vaccines in any setting other than a hospital.

The act adds the American Medical Certification Association (AMCA) to the list of organizations from whom a clinical medical assistant may receive certification for this purpose. It makes a corresponding change by adding the AMCA to the list of organizations from whom DPH must annually obtain a list of state residents certified as medical assistants.

Under existing law, to qualify to administer vaccines, medical assistants may also be certified by the American Association of Medical Assistants, National Healthcareer Association, National Center for Competency Testing, or American Medical Technologists.

EFFECTIVE DATE: Upon passage

§ 38 — MARITAL AND FAMILY THERAPIST LICENSURE

Increases, from 12 to 24 months, the duration of the postgraduate experience generally required for MFT licensure

The act increases, from 12 to 24 months, the duration of the postgraduate experience generally required for initial licensure as a marital and family therapist (MFT). (This change generally corresponds to a recent change in federal law allowing MFTs who meet certain criteria to bill Medicare independently for their mental health services.)

Under existing law, this postgraduate experience must include at least (1) 1,000 hours of direct client contact meeting certain requirements and (2) 100 hours of postgraduate clinical supervision by an MFT.

EFFECTIVE DATE: July 1, 2024

§ 39 — TRIBAL ACCESS TO STATE'S ELECTRONIC VITAL RECORDS SYSTEM

Requires DPH, upon the request of the Mashantucket Pequot or Mohegan tribe, to grant the tribe access to the state's birth and death registries in DPH's electronic vital records system, and sets related procedures and requirements

The act requires DPH, upon the request of the Mashantucket Pequot or Mohegan tribe, to grant the tribe access to the state's birth and death registries in DPH's electronic vital records system. This access must allow the tribe, instead of a municipality, to register births and deaths that occur on tribal land. These tribe-issued birth or death certificates for registration in the state's system must be recognized as valid in the state, as long as they meet specified requirements in state law and regulations for registering, indexing, maintaining, issuing, correcting, and amending them.

The act requires any entity or official responsible for filing birth or death certificates with a municipality to cooperate and fulfill its filing obligations with a requesting tribe in the same way as it would with a municipality. They are subject to the same enforcement terms for failure to do so as they would be with municipalities.

Under the act, if DPH determines that a tribe has failed to comply with any requirements referenced above (e.g., for registering or indexing) or has submitted filings that do not conform with these requirements, it may notify the tribe by certified mail, return receipt requested. The notice must include the noncompliant conduct and the specific laws or regulations that were allegedly violated. DPH must give the tribe an opportunity to demonstrate compliance and submit a plan of correction. DPH may terminate the tribe's access to the electronic birth and death registries, or remove their nonconforming filings, if the tribe does not show compliance or fully implement a DPH-approved correction plan within 30 days after receiving the notice.

The act specifies that it does not give DPH jurisdiction over a requesting tribe or its tribal office responsible for issuing and maintaining birth or death certificates. It also does not limit DPH's authority to (1) grant or restrict a requesting tribe's access to the state's birth or death registries consistent with the act's provisions or (2) remove any nonconforming filings from the registries.

EFFECTIVE DATE: Upon passage

§ 40 — MASTER SOCIAL WORKER LICENSURE

Allows a master social worker licensure candidate's degree to be from a program that is in the process of getting accredited, before the spring 2028 semester

By law, an applicant for a master social worker license must have a master's degree in social work. The act allows the degree to be from a program that (1) is in the process of getting accredited by the Council on Social Work Education and (2) was offered from the spring 2024 semester and before the spring 2028 semester. Under prior law, the program had to already be accredited.

Existing law requires applicants educated outside of the country to have passed an educational program that the council

deems equivalent.
EFFECTIVE DATE: Upon passage

§ 41 — HAIRDRESSER AND COSMETICIAN LICENSURE TESTING ACCOMMODATIONS

Requires the DPH commissioner to notify hairdresser and cosmetician licensure applicants that they may be eligible for certain testing accommodations

The act requires the DPH commissioner to notify hairdresser and cosmetician licensure applicants approved to take the written licensure examination that they may be eligible for testing accommodations under the federal Americans with Disabilities Act or other accommodations determined by the state Examining Board for Barbers, Hairdressers and Cosmeticians. Under the act, these accommodations may include (1) using a dictionary while taking the licensure examination or (2) additional time to complete it.
EFFECTIVE DATE: October 1, 2024

§ 42 — FLUOROSCOPY BY APRNS

Allows APRNs meeting certain training, experience, and examination requirements to use fluoroscopy for diagnostic and therapeutic procedures, if they do so in collaboration with a physician trained in radiation protection, and while wearing a radiation safety badge

The act authorizes APRNs to use fluoroscopy to guide diagnostic and treatment procedures if they (1) meet certain training, experience, and examination requirements (see below); (2) only do so in collaboration with a physician who is trained in radiation protection; and (3) wear a radiation safety badge during the procedure.

For this purpose, "collaboration" is (1) a mutually agreed upon relationship between the APRN and a physician who is educated, trained, or has relevant experience related to the APRN's work and (2) the continuous availability of in-person communication between them. A "radiation safety badge" is a badge typically worn on the front of a person's body that monitors exposure to radiation and displays the exposure level.
EFFECTIVE DATE: October 1, 2024

Training, Experience, and Testing Requirement

Under the act, to use fluoroscopy, an APRN must do the following:

1. complete 40 hours of relevant instruction that includes radiation biology and physics, exposure reduction, equipment operation, image evaluation, quality control, and patient considerations;
2. complete 40 hours of supervised clinical experience that includes a demonstration of patient dose reduction, occupational dose reduction, image recording, and equipment quality control; and
3. pass a DPH-prescribed test.

Under the act, documentation that an APRN has met these requirements must be kept at the APRN's worksite and be available to DPH upon request.

§§ 43-60 — TECHNICAL CHANGES

Makes technical changes in various statutes

The act makes technical changes in various public health-related statutes.
EFFECTIVE DATE: Upon passage (§§ 43-53) or October 1, 2024 (§§ 54-60).

§ 61 — NATUROPATH SCOPE OF PRACTICE COMMITTEE

Requires DPH to conduct a scope of practice review on whether naturopathic physicians should be allowed to prescribe, dispense, and administer prescription medication and if so, whether DPH should establish qualifications for this or develop a naturopathic formulary

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 (1) naturopathic physicians should be allowed to prescribe, dispense, and

administer prescription medication, and if so, (2) DPH should establish educational, examination, or other qualifications for this or develop a naturopathic formulary. The commissioner must report the committee's findings and recommendations to the Public Health Committee by January 1, 2025.

Existing law sets a process to review requests from health care professions seeking to establish or revise a scope of practice prior to consideration by the legislature. In this process, and within available appropriations, DPH must appoint members to scope of practice review committees. The committees consist of (1) the DPH commissioner or her designee (who serves as the committee chairperson and in a non-voting capacity), (2) two members representing the profession making the request, and (3) two members recommended by each person or entity that submitted a written impact statement to represent the professions directly impacted by the request. DPH may also appoint additional members representing health care professions with a close relationship to the underlying scope of practice request (CGS § 19a-16e).
EFFECTIVE DATE: Upon passage

§ 62 — MEDICAL IMAGING AND RESPIRATORY CARE PRACTITIONER SHORTAGE TASK FORCE

Extends by one year the reporting deadline for a task force on ways to address the shortage of certain practitioners

PA 23-97, § 44, created a task force to study ways to address the state's shortage of radiologic technologists, nuclear medicine technologists, and respiratory care practitioners. The act extends by one year, from January 1, 2024, to January 1, 2025, the deadline for the task force to report its findings and recommendations to the Public Health Committee.
EFFECTIVE DATE: Upon passage

§ 63 — CONNIE WORKING GROUP

Moves up by one year the deadline for OHS to create a working group to make recommendations on the regulations, policies, and procedures for participating in the Statewide Health Information Exchange ("Connie")

PA 24-19, § 23, requires the Office of Health Strategy (OHS) executive director to create a working group to make recommendations on the office's regulations, policies, and procedures for participating in the Statewide Health Information Exchange. This act moves up the deadline for her to do so from September 1, 2025, to September 1, 2024.
EFFECTIVE DATE: Upon passage

PA 24-82—sHB 5003
Public Health Committee
Appropriations Committee

AN ACT CONCERNING CHILD AND FAMILY NUTRITION

TABLE OF CONTENTS:

§ 4 — WIC NUTRITION EDUCATION PROGRAMS

Requires the DPH commissioner, to the extent federal law allows, to permit WIC participants to complete SNAP nutrition education programs to meet the nutrition education requirement to keep WIC eligibility

§ 5 — CONNECTICUT FARMERS' MARKET/WIC NUTRITION EDUCATIONAL MATERIALS

Requires the DoAg commissioner to annually develop and distribute to farmers' markets educational materials on the benefits to them in (1) accepting payment for products through WIC and SNAP and (2) participating in the Connecticut Farmers' Market WIC program; requires DoAg to purchase equipment needed to allow participants in state nutrition assistance programs to make purchases at farmers' markets and loan or make it available to farmers' markets

§ 6 — DPH REPORT ON WIC PROGRAM EXPENDITURES

Requires DPH to annually report to the legislature on (1) the department's plan for spending funding to administer WIC for the next calendar year and (2) a listing of how these funds were spent in the prior calendar year

§ 7 — INTERAGENCY PLAN TO INCREASE ACCESS TO NUTRITION ASSISTANCE PROGRAMS

Requires DoAg, DPH, DAS, and DSS, by January 1, 2025, to jointly (1) develop a plan for nutrition-based programs that DoAg, DPH, or DSS administer on creating a common application, sharing data, and increasing automatic enrollment and (2) report on the plan's status to the legislature

§ 8 — WORKING GROUP ON EXPANDING PARTICIPATION IN FEDERAL NUTRITION PROGRAMS

Requires the (1) CWCSEO executive director to convene a working group to study and recommend strategies to expand participation in federal nutrition programs and (2) working group co-chairpersons to report the group's recommendations to the legislature by January 1, 2026

§ 9 — STAGGERING SNAP BENEFITS

Requires the DSS commissioner to (1) contract with an outside vendor to update its SNAP benefits administration system to allow benefits to be staggered; (2) start staggering benefits to SNAP beneficiaries by March 1, 2026; and (3) start annually reporting to the Human Services Committee on the staggered distribution of these benefits by April 1, 2026

SUMMARY: This act creates new state agency responsibilities and reporting requirements to increase access to and enrollment in nutrition assistance programs for children and families including, among others, the:

1. federal Supplemental Nutrition Assistance Program (SNAP), administered by the Department of Social Services (DSS);
2. federal Special Supplemental Food Program for Women, Infants and Children (WIC), administered by the Department of Public Health (DPH); and
3. Connecticut Farmers' Market nutrition program for Women, Infants and Children (Connecticut Farmers' Market WIC), administered by the Department of Agriculture (DoAg).

EFFECTIVE DATE: Upon passage, except the provisions on the child nutrition outreach program are effective July 1, 2024.

§ 1 — CROSS-ENROLLMENT PLAN FOR HUSKY A AND NUTRITION ASSISTANCE PROGRAMS

Requires DPH to collaborate with DoAg and DSS to develop a plan to streamline cross-enrollment of children receiving HUSKY A in WIC, SNAP, and the Connecticut Farmers' Market WIC; requires the agencies to jointly create a simple fact sheet on these programs' benefits, application instructions, and eligibility requirements and make it and program applications easily accessible to potential applicants; requires the agencies to report to the legislature, by January 1, 2025, on the cross-enrollment plan and fact sheet

The act requires DPH, by January 1, 2025, to collaborate with DoAg and DSS to develop a plan to streamline cross-enrollment of children receiving HUSKY A (Medicaid) in WIC, SNAP, and the Connecticut Farmers' Market WIC. The plan must at least include using licensed health care professionals DPH employs to make an initial assessment of a child's eligibility for WIC.

Under the act, by January 1, 2025, DoAg, DPH, and DSS must jointly create, using clear and readily understandable

language and graphics, a simple fact sheet with (1) the eligibility requirements, application instructions, and benefits for HUSKY A and the nutrition assistance programs listed above and (2) a telephone number for the HUSKY A program's outreach or administrative office that the public may call with program questions. The departments must also translate the fact sheet into the five most commonly spoken languages in the state, as they determine.

The DPH commissioner, also by January 1, 2025, must distribute the fact sheet to providers of pediatric care and obstetrics and gynecology services for them to give to their patients. The commissioner must do this when the providers get an initial license from the department and when they renew their licenses.

The act requires the agencies' commissioners, by January 1, 2025, to jointly report to the Environment, Human Services, and Public Health committees on the cross-enrollment plan and its anticipated implementation date, and provide a copy of the fact sheet.

The act also requires the commissioners, by January 1, 2025, to make the fact sheet (or the information it contains) and applications for HUSKY A and the nutrition assistance programs available and easily accessible to potential applicants electronically and by phone, including conspicuously posting the information and fact sheet translations on each agency's website.

§ 2 — DECREASING HUNGER IN THE STATE

Requires the DSS commissioner, by January 1, 2025, to collaborate with the DoAg, DPH, and SDE commissioners to take certain actions to decrease hunger in the state

The act requires the DSS commissioner, by January 1, 2025, to collaborate with the DoAg, DPH, and State Department of Education (SDE) commissioners to take action to decrease hunger in the state by doing the following:

1. within available appropriations, coordinating statewide public access, information, and outreach, and promoting (a) cross-referrals and co-location of entry points and (b) application processes for SNAP, WIC, the Connecticut Farmers' Market WIC, and any other child nutrition programs these agencies administer and
2. attempting to secure federal reimbursements and any additional funding to administer the programs.

The act also makes technical changes, including removing an obsolete reference to recession-related hunger.

§ 3 — SDE CHILD NUTRITION OUTREACH PROGRAM

Requires SDE to administer its child nutrition outreach program in collaboration with OEC, and the two agencies to share relevant data between them

Existing law requires SDE to administer, within available appropriations, a child nutrition outreach program to (1) increase participation in the federal School Breakfast, Summer Food Service, and Child and Adult Care Food programs and (2) secure federal reimbursement for these programs. The act requires SDE to do so in collaboration with the Office of Early Childhood (OEC).

By law, SDE's outreach program must, among other things, encourage child care centers and group and family day care homes to participate in the Child and Adult Food Care Program. The act specifies that this includes sharing relevant data between OEC and SDE.

§ 4 — WIC NUTRITION EDUCATION PROGRAMS

Requires the DPH commissioner, to the extent federal law allows, to let WIC participants meet the WIC nutrition education requirement by completing SNAP nutrition education programs

Under federal law, recipients of WIC services must receive nutrition education periodically to remain eligible for services. The act requires the DPH commissioner, by January 1, 2025, and to the extent federal law allows, to permit WIC participants to meet WIC's nutrition education requirement by completing SNAP nutrition education programs.

§ 5 — CONNECTICUT FARMERS' MARKET/WIC NUTRITION EDUCATIONAL MATERIALS

Requires the DoAg commissioner to annually develop and distribute to farmers' markets educational materials on the benefits to them in (1) accepting payment for products through WIC and SNAP and (2) participating in the Connecticut Farmers' Market WIC program; requires DoAg to purchase equipment needed to allow participants in state nutrition assistance programs to make purchases at farmers' markets and loan or make it available to farmers' markets

The act requires the DoAg commissioner, starting by January 1, 2025, to annually develop and distribute to the state's farmers' markets educational materials on the benefits to them in (1) accepting payment for products through WIC and SNAP and (2) to the extent feasible, participating in the Connecticut Farmers' Market WIC program.

It also requires DoAg, by January 1, 2025, to (1) purchase equipment needed to enable participants in WIC, SNAP, and Connecticut Farmers' Market WIC to make purchases at farmers' markets and (2) create a program to loan or otherwise make the equipment available to the state's farmers' markets.

§ 6 — DPH REPORT ON WIC PROGRAM EXPENDITURES

Requires DPH to annually report to the legislature on (1) the department's plan for spending funding to administer WIC for the next calendar year and (2) a listing of how these funds were spent in the prior calendar year

The act requires the DPH commissioner to annually report, starting by January 1, 2025, to the Human Services and Public Health committees on (1) DPH's plan for spending funds it receives to administer WIC for the next calendar year and (2) a detailed list of how these funds were spent in the prior calendar year.

§ 7 — INTERAGENCY PLAN TO INCREASE ACCESS TO NUTRITION ASSISTANCE PROGRAMS

Requires DoAg, DPH, DAS, and DSS, by January 1, 2025, to jointly (1) develop a plan for nutrition-based programs that DoAg, DPH, or DSS administer on creating a common application, sharing data, and increasing automatic enrollment and (2) report on the plan's status to the legislature

The act requires the DoAg, DPH, DSS, and Department of Administrative Services (DAS) commissioners, by January 1, 2025, to jointly develop a plan for nutrition-based programs that DoAg, DPH, or DSS administer. The plan must address (1) creating a common application or application portal, (2) data sharing, and (3) increasing automatic enrollment or referrals across the agencies and programs.

Under the act, the agencies must jointly report on the plan's status to the Appropriations, Environment, Human Services, and Public Health committees by January 1, 2025.

§ 8 — WORKING GROUP ON EXPANDING PARTICIPATION IN FEDERAL NUTRITION PROGRAMS

Requires the (1) CWCSEO executive director to convene a working group to study and recommend strategies to expand participation in federal nutrition programs and (2) working group co-chairpersons to report the group's recommendations to the legislature by January 1, 2026

The act requires the executive director of the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO) to convene a working group to study and recommend strategies for expanding participation in federal nutrition programs. The study must at least include the benefits of expanding participation in these programs and strategies for funding and implementing the expansion.

Under the act, working group members include (1) one member each appointed by the six top legislative leaders; (2) the CWCSEO executive director and the commissioners of education, early childhood, and social services, or their designees; and (3) one member appointed by the governor, who must be a research expert in the Child and Adult Care Food Program and work for a food policy center at a public higher education institution.

The executive director must convene the working group by August 1, 2024, and schedule and hold its first meeting by July 29, 2024.

The working group must select two chairpersons from among its members. The CWCSEO's administrative staff serve in this capacity for the working group.

Under the act, the working group's cochairpersons must report its recommendations to the Children's, Education, and Human Services committees by January 1, 2026. The working group terminates when it submits the report or January 1,

2026, whichever is later.

§ 9 — STAGGERING SNAP BENEFITS

Requires the DSS commissioner to (1) contract with an outside vendor to update its SNAP benefits administration system to allow benefits to be staggered; (2) start staggering benefits to SNAP beneficiaries by March 1, 2026; and (3) start annually reporting to the Human Services Committee on the staggered distribution of these benefits by April 1, 2026

The act requires the DSS commissioner, by December 31, 2024, to contract with an outside vendor to update the department's system for administering SNAP benefits. The update must enable DSS to stagger benefits so they are distributed to cohorts of beneficiaries at several intervals during each month, according to federal law. The commissioner must start staggering benefits in this way by March 1, 2026.

Under the act, the commissioner must annually report, starting by April 1, 2026, to the Human Services Committee on the staggered distribution of SNAP benefits.

PA 24-83—HB 5058
Public Health Committee

AN ACT ADOPTING THE NURSE LICENSURE COMPACT

SUMMARY: This act enters Connecticut into the Nurse Licensure Compact from October 1, 2025, until January 1, 2028. The compact creates a process for registered nurses (RNs) or licensed practical/vocational nurses (LPNs/VNs) to get a multistate license, allowing them to practice in any compact party state (including by telehealth). The Interstate Commission of Nurse Licensure Compact Administrators administers the compact, and Connecticut joins the commission under the act.

Among various other provisions, the compact:

1. sets eligibility criteria for nurses to practice under it,
2. addresses several matters related to disciplinary actions for nurses practicing under it,
3. allows the commission to levy an annual assessment on party states to cover the commission's operations costs,
4. only allows compact amendments to take effect if all party states adopt them into law, and
5. has a process for states to withdraw from it.

Below is a broad overview of the compact.

Additionally, under the act, the Department of Public Health (DPH) commissioner must require anyone applying to the department for a multistate nursing license from October 1, 2025, until January 1, 2028, to submit to a state and national fingerprint-based criminal history records check by the Department of Emergency Services and Public Protection (§ 2). This corresponds to a compact requirement (see below).

The act also:

1. specifies that its compact provisions do not prohibit a home state licensing board, if asked by someone with a multistate license, from converting that license into a single-state license valid only in the home state (§ 3);
2. requires DPH, from October 1, 2025, until January 1, 2028, to transfer $2 from each RN or LPN license renewal fee to the professional assistance program for health professions (currently, the Health Assistance InterVention Education Network (HAVEN); see BACKGROUND) in addition to the transfers already required under existing law (§ 4); and
3. requires the Office of Policy and Management (OPM) secretary or his designee, in consultation with the DPH commissioner and a HAVEN representative, to convene a working group to evaluate the compact's implementation (§ 5).

EFFECTIVE DATE: Upon passage

§ 1 — NURSE LICENSURE COMPACT

Compact Overview

The Nurse Licensure Compact creates a process for nurses to get a multistate license in their home state that authorizes them to practice as an RN or LPN/VN in all party states under a multistate licensure privilege. A licensee providing services in another party state under this privilege must follow the practice laws of the state where the client is located.

A "party state" is any state that has adopted the compact. A "home state" is the party state that is the nurse's primary

state of residence. A "remote state" is a party state other than the home state. A "state" is a U.S. state, territory, or possession or the District of Columbia.

General Provisions and Jurisdiction (Art. III)

Under the compact, party states must recognize multistate licenses issued by a home state to its residents.

Licensure Eligibility. Under the compact, each party state must require that an applicant meet the following requirements to get or keep a multistate license in the home state:

1. meet the home state's qualifications for initial licensure or renewal, including other applicable state laws;
2. graduate or be eligible to graduate from a prelicensure education program approved by the state licensing board (or meet other specified criteria for foreign program graduates, including passing an English proficiency examination under certain circumstances);
3. pass the National Council of the State Boards of Nursing's National Council Licensure Examination (NCLEX) for RNs or Practical Nurses (or a nationally recognized predecessor examination);
4. be eligible for or hold an active, unencumbered license;
5. submit fingerprints or other biometric data when applying for initial licensure or licensure by endorsement in order to get criminal history information as specified below;
6. not be convicted, found guilty, or entered an agreed disposition for a (a) state or federal felony offense or (b) nursing practice-related misdemeanor offense (as determined on a case-by-case basis);
7. not be enrolled in an alternative program (i.e., a board-approved nondisciplinary monitoring program), and be subject to self-disclosure requirements about current participation in such a program; and
8. have a valid Social Security number.

States must implement procedures for considering the criminal history records of applicants for initial multistate licenses or licensure by endorsement, including the applicants' submission of fingerprints or other biometric-based information to get these records from the FBI and the state agency that keeps criminal records.

Single-State Licenses. The compact specifies that it does not prevent nurses from seeking single-state licenses outside of their home state, but those licenses do not grant the privilege to practice in other party states. It also does not interfere with a party state's requirements for issuing a single-state license.

Applications for Licensure in a Party State (Art. IV)

Under the compact, when a nurse applies for a multistate license, that state's licensing board must determine (through the coordinated licensure information system, see below) whether the applicant is:

1. or ever has been licensed in another state;
2. subject to any encumbrances or was subject to an adverse action on a license or multistate licensure privilege (e.g., suspension, revocation, or cease and desist order); and
3. participating in an alternative program.

The compact allows a licensee to hold a multistate license, issued by his or her home state, in only one party state at a time. It sets a process for nurses who move from one party state to another to get a multistate license in the new home state, such as providing satisfactory evidence of the move and meeting applicable licensure requirements.

For nurses who change their primary state of residence from a party state to a non-party state, the multistate license converts into a single-state license valid only in the former home state.

Adverse Actions and Additional Authorities for Party State Licensing Boards (Art. III & V)

The compact addresses several matters related to states' authority to investigate and discipline nurses practicing under its procedures. It requires nurses to comply with the practice laws of the state where the client is located (for all aspects of nursing, not just patient care), including laws on the scope of nursing practice and methods and grounds for imposing discipline.

The following are examples of the regulatory structure under the compact:

1. only the home state may take adverse action against a nurse's license issued by that state, but any party state may take adverse action against a nurse's multistate licensure privilege and may issue subpoenas;
2. for taking adverse action, a licensee's home state must give the same priority to conduct reported from other party states as it would to conduct within the home state;
3. if allowed by that state's law, a party state may recover from a nurse the investigation and disposition costs for cases due to adverse actions;
4. if a home state takes adverse action against a nurse's multistate license, the multistate licensure privilege to practice is deactivated in all other party states until all encumbrances are lifted from the license; and
5. if a party state takes adverse action, it must promptly notify the coordinated licensure information system administrator (see below), who must promptly notify the home state of any adverse actions by a remote state.

The compact specifies that it does not override a party state's decision to allow a nurse to participate in an alternative program instead of imposing an adverse action. In that case, the home state's board must deactivate the multistate licensure privilege under the license during the nurse's participation in the program.

Coordinated Licensure Information System and Exchange of Information (Art. VI)

The compact requires party states to participate in a coordinated licensure information system of all licensed RNs and LPNs/VNs, with information on their licensure and disciplinary history.

Under the compact, nurse licensing boards must promptly report to the system on (1) adverse actions; (2) significant investigative information (e.g., information that a nurse represents an immediate threat to public health and safety); (3) application denials and the reasons why; and (4) nurse participation in alternative programs known to the board, regardless of whether that participation is nonpublic or confidential under state law. Any significant investigative information or participation in the alternative programs must be sent through the system only to party state licensing boards.

The compact addresses other matters related to this system, such as establishing the following:

1. party state boards that contribute information to the system may designate information that must not be shared with non-party states or disclosed to anyone else without the state's express permission and
2. a party state's compact administrator must provide all investigative documents and information requested by another party state.

Interstate Commission of Nurse Licensure Compact Administrators (Art. VII & VIII)

The compact is administered by the Interstate Commission of Nurse Licensure Compact Administrators, which consists of one voting administrator from each party state (the head of the state licensure board or designee). The compact specifies several powers, duties, and procedures for the commission. For example, the commission:

1. promulgates rules (generally subject to public hearing and comment) that are binding on party states, to facilitate the compact's implementation and administration;
2. can levy an annual assessment on party states to cover the costs of its operations, based on a formula that the commission determines; and
3. must have its receipts and disbursements audited yearly and the audit report included in its annual report.

The compact addresses several other matters regarding the commission and its operations, like setting conditions under which its administrators, officers, and employees are immune from civil liability.

Compact Oversight, Enforcement, Member Withdrawal, and Related Matters (Art. IX-XI)

Among several related provisions, the compact:

1. requires each party state to enforce the compact and take all necessary and appropriate steps to carry out its purposes;
2. requires the commission to take certain steps if a party state defaults and, after all other means of securing compliance have been exhausted, allows for a defaulting state to be terminated from the compact upon a majority vote of the commission's administrators (which the defaulting state may appeal);
3. requires the commission, if a party state asks, to try to resolve a compact-related dispute among party states or between party and non-party states;
4. allows the commission to bring legal action against a defaulting state upon a majority vote of the administrators (the case can be brought in the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices);

5. allows a party state to withdraw from the compact by passing a law to do so, but withdrawal does not take effect until six months after the law's enactment;
6. allows the party states to amend the compact, but an amendment only takes effect once all party states enact it into law; and
7. makes its provisions severable and requires that they be liberally construed to carry out its purposes and, if any compact provision is held to violate a party state's constitution or the U.S. constitution, the rest of the compact's validity is unaffected.

§ 4 — FEE TRANSFER TO HAVEN ACCOUNT

By law, the DPH commissioner must quarterly transfer the revenue from certain health professional license renewal fee increases (including for RNs and LPNs) to the professional assistance program account. (These fee increases, in the amount of $5 per renewal, primarily took effect in October 2015.)

The act requires the commissioner, starting October 1, 2025, and until January 1, 2028, to transfer an additional $2 from each RN or LPN license renewal fee to this account. As with the existing transfers, she must do this by the end of each January, April, July, and October.

§ 5 — WORKING GROUP

The act requires the OPM secretary or his designee, in consultation with the DPH commissioner and a HAVEN representative, to convene a working group to evaluate the state's implementation of the Nurse Licensure Compact.

The group must assess whether the state's continued participation in the compact is in the best interest of the health, safety, and welfare of the state's citizens. It must at least (1) review any long-term effects of the state's participation in the compact, (2) review educational outreach and training materials developed to support its implementation, and (3) help inform an evaluation on whether the state should remain in the compact.

The working group must report on its findings to the Public Health Committee by January 1, 2027.

BACKGROUND

Health Professional Assistance Program

By law, this program is an alternative, voluntary, and confidential rehabilitation program that provides various services to health professionals with a chemical dependency, emotional or behavioral disorder, or physical or mental illness.

Before a person can enter the program, a medical review committee must (1) determine if he or she is an appropriate candidate for rehabilitation and participation and (2) set terms and conditions of participation. The program must include mandatory, periodic evaluations of each participant's ability to practice with skill and safety and without posing a threat to the health and safety of any person or patient (CGS § 19a-12a).

PA 24-110—sHB 5198
Public Health Committee

AN ACT CONCERNING TELEHEALTH

SUMMARY: This act makes permanent certain temporary expanded requirements for telehealth service delivery and insurance coverage enacted under PA 21-9 and PA 22-81 that would have sunset under prior law on June 30, 2024. Among other things, these provisions include:

1. allowing authorized telehealth providers to use audio-only telephone to provide services;
2. allowing authorized providers to provide telehealth services from any location to patients at any location, subject to applicable state and federal requirements;
3. prohibiting providers from charging uninsured patients more than the Medicare reimbursement rate for telehealth services; and
4. prohibiting health carriers (e.g., insurers and HMOs) from reducing the amount of reimbursement they pay to telehealth providers for covered services appropriately provided through telehealth instead of in-person.

Among other changes, the act also expands the list of authorized telehealth providers to include all Connecticut licensed health care providers and pharmacists.

Additionally, the act repeals a provision in prior law that permanently allowed out-of-state mental or behavioral health services providers to practice telehealth in Connecticut under certain conditions. It instead temporarily allows them to do so, until June 30, 2025, if they meet certain requirements, such as registering with the Department of Public Health (DPH) and obtaining a Connecticut license within a specified timeframe. It requires Connecticut providers or entities that engage or contract with these out-of-state providers to verify that they registered with DPH.

The act also repeals a provision in prior law that allowed the DPH commissioner to issue an order authorizing out-of-state telehealth providers to practice in Connecticut.

Lastly, the act makes technical and conforming changes, including repealing corresponding provisions in PA 21-9 and PA 22-81. It also specifies that existing laws on health insurance coverage of telehealth services remain applicable only to the following licensed health care providers: advanced practice registered nurses (APRNs), alcohol and drug counselors, audiologists, certified dietician-nutritionists, chiropractors, clinical and master social workers, marital and family therapists, naturopaths, occupational and physical therapists, optometrists, paramedics, pharmacists, physicians, physician assistants, podiatrists, professional counselors, psychologists, registered nurses, respiratory care practitioners, and speech and language pathologists.

EFFECTIVE DATE: Upon passage, except that conforming changes to two insurance provisions take effect July 1, 2024 (§§ 5 & 7).

TELEHEALTH PROVIDERS

Authorized Telehealth Providers

The act expands the list of authorized telehealth providers to include all Connecticut-licensed health care providers and pharmacists.

Prior law allowed the following licensed health care providers to provide health care services using telehealth: APRNs, alcohol and drug counselors, audiologists, certified dietician-nutritionists, chiropractors, clinical and master social workers, marital and family therapists, naturopaths, occupational and physical therapists, optometrists, paramedics, pharmacists, physicians, physician assistants, podiatrists, professional counselors, psychologists, registered nurses, respiratory care practitioners, and speech and language pathologists.

Under existing law, unchanged by the act, authorized telehealth providers must provide telehealth services within their profession's scope of practice and standard of care.

Out-of-State Mental and Behavioral Health Providers

Temporary Authorization. PA 22-81 permanently allowed out-of-state behavioral or mental health providers to practice telehealth in the state without a Connecticut license under certain conditions. The act instead temporarily allows them to do so, until June 30, 2025, 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, APRN, 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. has professional liability insurance or other indemnity against professional malpractice liability in an amount at least equal to that required for Connecticut health providers;
3. provides mental or behavioral health care services through telehealth within his or her scope of practice and in accordance with applicable professional standards of care; and
4. registers with DPH before providing telehealth services to patients in Connecticut (see below).

It also eliminates the requirement under PA 21-9 and PA 22-81 that an out-of-state provider be authorized to practice telehealth under any relevant order issued by DPH.

DPH Registration. The act requires out-of-state mental or behavioral telehealth providers to register with DPH, as the commissioner prescribes, before providing telehealth to patients in Connecticut. They must also apply to DPH for a Connecticut license, certificate, or registration within 60 days after registering as a telehealth provider and complete the credentialing application process within 60 days after submitting the application. The department must then issue a decision on the application within 45 days after the provider completes the application process.

Additionally, the act requires any Connecticut entity, institution, or provider who engages or contracts with an out-of-state telehealth provider who is not also credentialed in Connecticut to verify that the provider registered with DPH as described above. It also requires the department to:

1. verify the provider's credentials to ensure the provider is certified, licensed, or registered and in good standing in

his or her home jurisdiction and
2. confirm the telehealth provider has the required professional liability insurance or other indemnity against professional malpractice liability.

Excluded Providers. Regardless of the above requirements, the act prohibits a mental or behavioral health provider who is not credentialed in Connecticut from providing telehealth services in the state if the provider is on the federal Department of Health and Human Services' list of people excluded from participating in federally funded health programs, such as Medicare and Medicaid (i.e., "List of Excluded Individuals/Entities").

If the provider does not comply with the act's requirements or state health provider licensure laws, it also allows DPH to (1) prohibit a mental or behavioral health provider who is not credentialed in Connecticut from registering with the department as a telehealth provider or (2) suspend or revoke an existing registration.

Provider Data. The act requires DPH to collect data on the number of out-of-state:
1. mental or behavioral health providers who (a) registered with DPH as telehealth providers, (b) applied for a Connecticut license, and (c) received a license through the process described above and
2. health care providers who apply for a Connecticut license.

Under the act, DPH must report this information to the Public Health Committee by January 1, 2025, and again by July 1, 2025.

SERVICE DELIVERY

Audio-Only Telephone

The act allows authorized telehealth providers to provide telehealth services via audio-only telephone. Under the act and existing law, "telehealth" excludes fax, texting, and email. It includes:
1. interaction between a patient at an originating site and the telehealth provider at a distant site and
2. synchronous (real-time) interactions, asynchronous store and forward transfers (transmitting medical information from the patient to the telehealth provider for review at a later time), or remote patient monitoring.

Location

The act allows telehealth providers to provide telehealth services from any location to patients in any location subject to compliance with applicable federal requirements, state licensing standards, state telehealth laws, or related regulations.

PAYMENT FOR UNINSURED AND UNDERINSURED PATIENTS

The act requires a telehealth provider, before providing services, to determine whether the patient (1) has health insurance coverage for any of the services to be provided and, if so, (2) plans to use the coverage to pay for all or part of the services or will pay for them directly (self-pay). The provider must disclose the cost of the services to patients who choose to pay for them in part with health insurance coverage or directly.

Under the act, the provider who agrees to provide telehealth services must accept the following as payment in full:
1. for patients who do not have health insurance coverage for telehealth services, an amount equal to the Medicare reimbursement rate for those services;
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, unless the patient elects not to use this coverage, in which case the provider and patient may mutually agree to a different amount; or
3. an amount mutually agreed to by the patient and provider.

Under the act, a telehealth provider who determines that a patient is unable to pay for telehealth services must offer the patient financial assistance to the extent required under federal or state law.

The act expressly provides that its requirements do not prohibit a patient from paying a telehealth provider directly for services without seeking health insurance coverage for them.

PA 24-112—sHB 5196
Public Health Committee

AN ACT EXPANDING THE PODIATRIC SCOPE OF PRACTICE

SUMMARY: This act expands the scope of practice of podiatric medicine to allow podiatrists to independently perform Chopart joint-level (i.e., forefoot and midfoot) amputations. To do so, a licensed podiatrist must provide the Department of Public Health (DPH) documentation that they:

1. graduated from a podiatric residency program meeting specified criteria and
2. hold current board certification or qualification in reconstructive rearfoot ankle surgery by the American Board of Foot and Ankle Surgery, or its successor.

Under the act, the residency program must have been accredited by the Council on Podiatric Medical Education, or its successor, when the podiatrist graduated. The program must have been at least (1) two years in length if the person graduated before June 1, 2006, or (2) three years for graduates on or after that date.

Existing law already allows podiatrists who meet the above criteria to independently perform certain ankle surgeries, including all soft tissue and osseous procedures (e.g., fixing ankle factures, ankle fusions, and ankle arthroscopy). They cannot perform total ankle replacements (see below), tibial pilon fracture surgeries, or surgeries to treat complications within the tibial diaphysis related to the use of external fixation pins.

The act also requires the Public Health Committee co-chairpersons to convene a panel of two representatives each from an organization representing podiatrists and an organization representing orthopedic physicians in Connecticut. The panel must develop a protocol by August 1, 2024, for allowing podiatrists who meet the criteria described above to perform total ankle replacement surgeries.

Under the act, the protocol must describe the experience, skill, and training requirements to perform these surgeries and the procedure for assessing whether a podiatrist meets the requirements. The panel must report on the protocol to the Public Health Committee and the DPH commissioner by September 1, 2024. The commissioner must then post the protocol on the department's website by October 1, 2024.

Starting October 1, 2024, the act allows podiatrists who provide DPH documentation that they meet the protocol's requirements to apply to a Connecticut hospital for privileges to perform total ankle replacement surgeries. At a minimum, hospitals may use the protocol to determine whether podiatrists meet the requirements needed to perform the surgeries.

Under the act, hospitals are not required to grant podiatrists privileges to perform total ankle replacement surgeries, but podiatrists who receive the privileges may do so.

EFFECTIVE DATE: October 1, 2024, except the provision on total ankle replacement surgeries is effective upon passage.

PA 24-113—HB 5200
Public Health Committee
Appropriations Committee

AN ACT CONCERNING HEALTH CARE ACCESSIBILITY FOR PERSONS WITH A DISABILITY

SUMMARY: This act requires group practices of at least nine physicians, advanced practice registered nurses (APRNs), or a combination of them ("practice locations") to consider certain federal technical accessibility standards for medical diagnostic equipment. Specifically, these practice locations must consider the technical standards developed by the federal Architectural and Transportation Barriers Compliance Board (see BACKGROUND) in accordance with the federal Patient Protection and Affordable Care Act ("standards for accessibility"). Prior law required certain health care facilities (i.e., hospitals, outpatient clinics, and long-term care and hospice facilities) to consider these standards when purchasing this equipment. The act instead requires them to consider these standards continually and expands the health care facilities subject to this requirement.

The act also requires the Department of Public Health (DPH) commissioner to annually notify these practice locations, as she must already do for health care facilities, about information on providing health care to people with accessibility needs, including the standards for accessibility. It eliminates prior law's requirement that she also notify licensed physicians, physician assistants (PAs), and APRNs individually.

Additionally, starting January 1, 2025, the act requires these facilities and practice locations to take certain related administrative actions, such as (1) training direct care staff on policies and procedures for patients with accessibility needs, (2) taking an inventory of all medical diagnostic equipment, and (3) creating a plan to address inventory gaps and identify steps needed to ensure compliance with the standards for accessibility.

Starting January 1, 2026, the act also requires, with certain exemptions, health care facilities and practice locations with three or more examination rooms to have certain accessible medical diagnostic equipment (e.g., at least one weight scale and one examination table or chair in at least one examination room that accommodates patients using assistive devices). These requirements are effective until federal regulations are mandated on accessibility of medical diagnostic equipment.

Lastly, the act specifies which health care facility construction guidelines DPH must use when reviewing a health care facility's plan for a construction or renovation project that is necessary to comply with state law's requirements for accessibility of medical diagnostic equipment.

The act also makes technical changes.

EFFECTIVE DATE: July 1, 2024

ADDITIONAL FACILITIES SUBJECT TO MEDICAL DIAGNOSTIC EQUIPMENT STANDARDS REQUIREMENTS

The act expands the types of "long-term care facilities" subject to its requirements for health care facilities to include (1) home health care and home health aide agencies and (2) intermediate care facilities for individuals with developmental disabilities that are not operated by the Department of Developmental Services. Existing law already includes nursing homes, assisted living facilities, and residential care homes.

ADMINISTRATIVE REQUIREMENTS

The act requires health care facilities and practice locations, starting January 1, 2025, to do the following:

1. train all staff with direct patient care responsibilities on their policies and procedures for addressing patients' access to care;
2. designate a contact phone number and provide steps patients may take to contact them for help with patient access needs, and post the information on their website or make it readily available to the public in another way; and
3. take and document an inventory of all medical diagnostic equipment that does and does not meet the standards for accessibility and include (a) an action plan to address any inventory gaps and (b) the steps needed to comply with the standards, and give the documentation to DPH upon request.

Under existing law, unchanged by the act, "medical diagnostic equipment" includes an examination table or chair; weight scale; mammography equipment; and x-ray, imaging, and other radiological diagnostic equipment.

MEDICAL DIAGNOSTIC EQUIPMENT REQUIREMENTS

Starting January 1, 2026, the act requires health care facilities and practice locations with three or more examination rooms to do the following:

1. when purchasing, leasing, replacing, or otherwise obtaining medical diagnostic equipment, independently verify or obtain assurances from the equipment's seller or source that it complies with the standards for accessibility and document them;
2. have an examination table or chair that meets the standards for accessibility in at least one examination room that allows a patient using an assistive device (e.g., wheelchair) to easily enter, exit, and maneuver in the room; and
3. have at least one weight scale that meets the standards for accessibility if the facility or practice location uses a weight scale.

Under the act, these requirements are effective until federal regulations are mandated on accessibility of medical diagnostic equipment (the federal Department of Justice recently issued proposed rules and is in the process of adopting them into regulation).

Exemptions

The act exempts from the requirements facilities and practice locations that:

1. are unable to comply because they cannot obtain medical diagnostic equipment that is commercially available at a commercially reasonable price (i.e., a price that does not exceed fair market value);
2. are unable to comply because they are in the process of getting necessary approval from a municipal or state agency (e.g., related to the building code, a building inspection, site plan review, or certificate of need) and the approval process is delaying their compliance; or
3. meet the criteria for an exemption or exclusion from requirements under federal law for people with disabilities

(e.g., the Americans with Disabilities Act or section 504 of the Rehabilitation Act of 1973) that is the same or substantially similar to the act's requirements.

DPH REVIEW OF HEALTH CARE FACILITY CONSTRUCTION PLANS

The act requires DPH, when reviewing a health care facility's plan for a construction or renovation project that is necessary to comply with state law's requirements for accessibility of medical diagnostic equipment, to accept compliance with the commissioner's approved nationally established health care facility construction guidelines that are either (1) in place at the time the facility gives the plan to DPH or (2) the most recent prior version of the guidelines. DPH must (1) accept compliance with these guidelines to the extent federal law allows, regardless of state law on these project plans, and (2) adopt regulations to implement this requirement.

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 also develops and maintains design criteria for transit vehicles, telecommunications equipment, and electronic and information technology.

PA 24-120—sHB 5291
Public Health Committee

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING IMPROVED OPIOID MONITORING

SUMMARY: This act requires hospitals that treat a patient for a nonfatal opioid drug overdose to administer a toxicology screening if it is medically appropriate and the patient consents to it. The screening must at least test for opiates, opioids, benzodiazepines, cannabinoids, methadone, cocaine, gabapentin, xylazine, and other substances the Department of Public Health (DPH) commissioner deems appropriate. Hospitals must perform the toxicology screenings for a three-and-a-half-year period, from January 1, 2025, to August 31, 2028, and report the screening results to DPH as the commissioner prescribes.

The act also requires the DPH commissioner, by January 1, 2026, and then annually until January 1, 2029, to report to the Public Health Committee on the toxicology screening results the department receives. The report must (1) identify and analyze any trends, (2) identity any benefits patients experienced due to the screening results when seeking emergency department care for an overdose, and (3) recommend whether hospitals should continue toxicology screening reporting after August 31, 2028.

Under the act, the toxicology screening results hospitals report to DPH generally (1) are confidential and not subject to disclosure, (2) are not admissible as evidence in any court or agency proceeding, and (3) must be used solely for medical or scientific research or disease control or prevention purposes.

EFFECTIVE DATE: October 1, 2024

BACKGROUND

Reporting Opioid Drug Overdoses

By law, any hospital or emergency medical services (EMS) personnel that treats a patient for an opioid overdose must report the overdose to DPH. The department must then give the data to the municipal or district health department with jurisdiction over the overdose location, or, if that location is unknown, the location in which the hospital or EMS personnel treated the patient, as DPH deems necessary to develop preventive initiatives.

In addition, the law requires hospitals that treat patients for nonfatal opioid drug overdoses to administer mental health screenings or patient assessments if it is medically appropriate to do so (CGS § 19a-127q).

PA 24-122—sHB 5293
Public Health Committee
Housing Committee

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO DEVELOPMENTAL SERVICES STATUTES

SUMMARY: This act makes various changes to Department of Developmental Services (DDS)-related statutes. Principally, it:

1. codifies existing practice by establishing an Oral Health and Dental Services Unit within DDS's Health and Clinical Services Division, and allows DDS to contract with dentists or provisionally licensed dentists for this purpose;
2. modifies a recently enacted grant program for providers of supportive housing for people with developmental disabilities, such as by (a) shifting primary responsibility for the program from DDS to the Department of Housing (DOH) and (b) expanding the types of entities eligible for program assistance;
3. removes the statutory cap of 11 DDS self-advocate coordinators;
4. updates and revises the law on transfers from DDS-operated or -funded residential facilities, such as by authorizing DDS to temporarily transfer residents for up to 90 days during certain emergency situations;
5. codifies existing practice by establishing in law a human rights committee and program review committee within each DDS service region and the Southbury Training School;
6. makes information in DDS's abuse and neglect registry available to the Office of Labor Relations to determine whether an applicant for employment with DDS or certain other state agencies appears on the registry;
7. specifically names the DDS ombudsperson office as the "Office of the Developmental Services Ombudsperson";
8. updates notice requirements related to intermediate care facilities for individuals with intellectual disability (ICF/IIDs) concerning the certificate of need (CON) process, such as by requiring facility closure notices to go to the Office of the Developmental Services Ombudsperson rather than the Office of the Long-Term Care Ombudsman, and requiring the ombudsperson's office to hold informational sessions on these closures (the act does not change the underlying CON requirements); and
9. allows DDS to share information with certain entities if a DDS-licensed community living arrangement's (i.e., group home) or community companion home's license was revoked or surrendered because of substantiated abuse or neglect during the licensure period.

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage, except the provisions on residential transfers (§§ 7 & 8) take effect July 1, 2024, and those on the supportive housing assistance program (§ 3) take effect October 1, 2024.

§§ 1 & 2 — ORAL HEALTH AND DENTAL SERVICES UNIT

The act codifies existing practice by establishing an Oral Health and Dental Services Unit within DDS's Health and Clinical Services Division. Under the act, the unit must:

1. support people with intellectual disability by helping them reach and maintain their optimal oral health;
2. provide them access to oral and dental health care;
3. educate them, their families, and support staff on oral disease prevention and early detection, and give all these people oral health and dental information; and
4. participate in oral health-related research and education.

The act allows the Oral Health and Dental Services Unit to provide dental care services to people with intellectual disability at designated dental offices in any DDS service region. These services must be (1) specialized and individualized to meet their needs and (2) provided under the scope of practice of a dentist or dental hygienist.

Under the act, the DDS commissioner may contract with (1) licensed dentists or (2) dentists with provisional licenses (see below) to carry out the unit's duties.

Provisional Licenses (§ 2)

Existing law allows for provisional licensure for an in-state dental school's full-time faculty member who is not licensed in Connecticut but who is licensed in another state or has exceptional qualifications, upon approval by the state Dental Commission. Under prior law, the provisional license allowed dental practice only at the dentistry school where the person is a faculty member or its affiliated hospitals. The act additionally allows dental practice under this provisional

license in DDS's Oral Health and Dental Services Unit.

§ 3 — SUPPORTIVE HOUSING ASSISTANCE PROGRAM

PA 23-137, § 53, required the DDS commissioner to give grants to private nonprofits for supportive housing for people with an intellectual disability or other developmental disabilities, including autism spectrum disorder (ASD).

This act makes several changes to this program. It transfers to the DOH commissioner the responsibility to provide assistance under the program in consultation with the DDS commissioner and makes related conforming changes. For example, it requires (1) the DOH commissioner, rather than the DDS commissioner, to develop program guidelines and an application form, and extends from July 1, 2024, to October 1, 2024, the deadline for these materials to be posted online; (2) recipients of program assistance to annually report to DOH rather than DDS; and (3) DOH, rather than DDS, to annually report to specified legislative committees on the program.

The act expands the allowable assistance under the program to include deferred loans. It targets the assistance to eligible developers (e.g., nonprofit corporations, housing construction businesses meeting certain requirements, housing authorities, or municipal developers), rather than only nonprofit organizations, for this supportive housing. It also requires an eligible developer to have partnered with a DDS-qualified provider or a provider approved to offer services supporting people receiving services under the Department of Social Services' (DSS) ASD Medicaid waiver program.

Prior law required DDS, when providing assistance under the program, to prioritize nonprofits that reserved at least 50% of a housing site's initial residential capacity for people with these disabilities who were on a supportive housing waiting list DDS or DSS maintains. The act instead requires DOH to prioritize developers that reserve up to 25% of the initial residential capacity for people with these disabilities on a waiting list or who wish to move from a more structured setting to supportive housing.

§§ 4-6 — DDS SELF-ADVOCATE COORDINATORS

The act removes the statutory cap of 11 DDS self-advocates in a general worker position who are eligible for specified sick, vacation, and personal leave and holiday pay benefits. In practice, these positions are self-advocate coordinators.

§§ 7-8 & 15 — RESIDENT TRANSFERS

By law, the DDS commissioner may assign someone with intellectual disability to a public or state-supported private residential facility based on certain eligibility criteria. The act removes the requirement that the commissioner consider the recommendations of a properly designated diagnostic agency before making these assignments.

It also updates and revises the law on transfers between these residential facilities. The law generally requires DDS to give at least 10 days' prior notice before transferring a facility resident. Existing law allows an exception for emergency transfers, for which notice must be provided within 10 days after the transfer. The act also allows this post-transfer notice, rather than prior notice, for medical transfers.

The act specifies that for all transfers, including those for emergencies or medical reasons, adult residents of these facilities or residents' legal representatives have the right to request a hearing if they object to a transfer. Prior law (1) had conflicting provisions on the right to request a hearing to contest an emergency transfer and (2) did not allow objections to a medical transfer.

The act also creates a process for temporary emergency transfers, as explained below.

Temporary Emergency Transfers

The act sets standards and procedures for temporary transfers, without prior notice, due to emergencies or during a declared public health emergency.

Specifically, it allows the DDS commissioner to temporarily transfer anyone from a DDS-operated or state-supported residential facility if he determines that an emergency in the facility must be addressed immediately, including when the facility is left uninhabitable due to a natural disaster, utility malfunction, or temporary concerns with the facility staff's ability to meet resident needs. These transfers remain in place for up to 90 days or until the commissioner rescinds them, whichever is earlier.

The act also allows the commissioner, during a governor-declared public health emergency, to request that the governor issue an executive order authorizing the commissioner to temporarily transfer any residents of these facilities for reasons of health or safety. If the governor issues the order, the commissioner may make temporary transfers as he deems necessary, and the transfers stay in place until the commissioner rescinds them or the order expires, whichever is earlier.

In either case, the commissioner must notify the person and the person's legal representative (if any) in writing about the temporary transfer as soon as practicable, but no later than 10 days after the transfer. The person cannot object and request a hearing until the 30th day of the transfer, and the hearing follows existing procedures and standards.

§§ 9-11 — HUMAN RIGHTS AND PROGRAM REVIEW COMMITTEES

The act codifies existing practice by establishing in law a human rights committee and program review committee within each DDS service region and the Southbury Training School. The respective regional or training school director appoints the committees' members.

Under the act, the human rights committees must:

1. advise and make recommendations to these directors and the DDS commissioner on best practices and
2. address concerns and complaints on human rights issues involving people receiving DDS services, including those involving aversive procedures (see below), restrictive interventions, intrusive programs or devices, restitution, and pre-sedation medication.

The program review committees must advise the directors and commissioner on best practices for reviewing plans that include things like behavior support strategies, use of psychotropic and behavior modifying medications, and use of restraints for people receiving DDS services.

For each type of committee, the act (1) requires the commissioner to establish uniform responsibilities and procedures and (2) allows him to adopt implementing regulations.

Human Rights Committee Recommendations on Aversive Procedures (§ 11)

Existing law prohibits using aversive procedures on anyone placed or treated under the DDS commissioner's direction, except under procedures established by the commissioner. The act additionally specifies that these procedures may occur only in line with recommendations from a regional human rights committee.

By law, an "aversive procedure" is the contingent use of an event that may be unpleasant, noxious, or otherwise cause discomfort and is designed to change a specific behavior or to protect someone from injuring himself, herself, or others. It can include the use of physical isolation and mechanical and physical restraints.

§ 12 — ABUSE AND NEGLECT REGISTRY

By law, DDS maintains a registry of certain former employees who left or were fired from their jobs because of a substantiated abuse or neglect complaint against them. These are people who were employed by DDS, or an agency, organization, or person DDS licenses or funds. The information is available only to certain agencies and employers for specified purposes.

The act additionally makes information in the registry available to the state's Office of Labor Relations for determining whether an applicant for employment with certain state agencies appears on the registry. Specifically, this applies to applicants at DDS or the departments of Children and Families (DCF), Mental Health and Addiction Services (DMHAS), and DSS. Existing law already grants these other agencies and the Department of Administrative Services (DAS) access to the registry to determine whether applicants appear on it.

§ 13 — OMBUDSPERSON OFFICE

By law, an independent ombudsperson office within DDS receives complaints affecting people under the care of DDS or agencies with whom the department contracts for services and recommends to the commissioner ways to resolve these complaints. The act specifically names this office as the "Office of the Developmental Services Ombudsperson."

§ 14 — ICF/IID CON-RELATED NOTICES

By law, long-term care facilities, including Medicaid-certified ICF/IIDs, generally must seek certificate of need (CON) approval from DSS before undertaking certain activities (e.g., introducing new services or eliminating services). In several cases, the law requires the facility to also give related notices to certain other state entities.

The act updates these notice requirements for ICF/IIDs, generally requiring them to notify the Office of the Developmental Services Ombudsperson rather than the Office of the Long-Term Care Ombudsman. Correspondingly, it requires the former, rather than the latter, office (in some cases, along with other agencies) to take certain actions in response. Generally, these notices and related actions are as follows:

1. facility notice of intended (a) pre-licensure ownership transfers, (b) new or expanded functions or services, (c) service terminations or substantial decreases in licensed bed capacity, or (d) bed relocations to a different facility;
2. facility notice of closure petition;
3. informational letter on patient rights (for patients and certain other parties) by the ombudsperson's office and the Department of Aging and Disability Services (ADS) that must accompany the closure notice;
4. informational session on the potential closure held by the ombudsperson's office and the Department of Public Health;
5. facility notice when submitting a letter of intent before filing a CON application; and
6. informational letter on patient rights by the ombudsperson's office and ADS that must accompany a letter of intent on potential service terminations or substantial decreases in bed capacity.

§ 16 — INFORMATION SHARING ON ABUSE OR NEGLECT AT GROUP HOMES OR COMMUNITY COMPANION HOMES

The act allows DDS to share information with certain entities if a DDS-licensed community living arrangement's (i.e., group home) or community companion home's license was revoked or surrendered because of substantiated abuse or neglect during the licensure period. (Community companion homes offer a family-like setting for people with intellectual disability when circumstances make it difficult for the person to live with his or her family.)

Specifically, the act allows the DDS commissioner to release the former licensee's name, license revocation or surrender date, and type of abuse or neglect to the following entities:

1. authorized agencies (i.e., agencies authorized to conduct abuse and neglect investigations and responsible for issuing or carrying out protective services for people with intellectual disability), for determining protective services;
2. employers of people providing services to those receiving DDS services or support; and
3. DCF, DMHAS, DSS, and DAS, to make a determination on an employment application or provider licensure or certification with DCF, DMHAS, DSS, or DDS. (In practice, DAS generally oversees human resources functions for executive branch agencies.)

PA 24-16—sHB 5279
Public Safety and Security Committee
Planning and Development Committee

AN ACT CONCERNING AUTHORITY TO DECLARE THAT A FIREFIGHTER, POLICE OFFICER OR EMERGENCY MEDICAL SERVICE PERSONNEL DIED IN THE LINE OF DUTY

SUMMARY: This act generally allows police chiefs, fire chiefs, and emergency medical service (EMS) chiefs and administrative heads to, respectively, declare that a police officer, uniformed paid or volunteer firefighter, or EMS personnel died in the line of duty if the death was caused by a cardiac event, stroke, or pulmonary embolism within 24 hours after the individual finished a shift or training. The chief or administrative head may do so unless a local charter or ordinance in effect on October 1, 2024, authorizes a different person or entity to make the determination. The chief or administrative head can only make these declarations for individuals in their department, law enforcement unit, service, company, or EMS organization, as applicable.

The act specifies that a chief's or administrative head's declaration must not be used as evidence for a workers' compensation claim.

Under the act, a "police chief" is a law enforcement unit's chief law enforcement officer, the chief elected official of a municipal police department that does not have a chief law enforcement officer, or the emergency services and public protection commissioner for the State Police. An "EMS chief or administrative head" is the chief or head of the EMS personnel's department, service, company, or EMS organization. "EMS personnel" is anyone certified to practice as an emergency medical responder, emergency medical technician, advanced emergency medical technician, or emergency medical services instructor or a licensed paramedic.
EFFECTIVE DATE: October 1, 2024

BACKGROUND

Existing Federal Benefits

The surviving families of police officers, firefighters, and certain EMS personnel killed in the line of duty may be eligible for (1) cash benefits through the federal Public Safety Officers' Benefits program and (2) higher education assistance through the Public Safety Officers' Educational Assistance program.

Existing State and Municipal Benefits

The surviving families of police officers and firefighters killed in the line of duty may be eligible for a range of state and municipal benefits, including:

1. tuition waivers from the state's colleges and universities (CGS §§ 10a-77(d), 10a-99(d) & 10a-105(e));
2. payments from the (a) emergency services and public protection commissioner related to their respective associations and (b) police and firefighter survivor's benefit fund, for participating municipalities (CGS §§ 3-122, 3-123 & 7-323e);
3. state health insurance benefits (CGS § 5-259(a)(6)); and
4. survivor pension benefits (CGS § 7-433b(a)).

Additionally, existing law allows municipalities to establish a program for surviving spouses of police officers, firefighters, or emergency medical technicians killed in the line of duty to abate all or a portion of the property taxes due on an eligible spouse's principal residence (CGS § 12-81x).

PA 24-26—SB 228
Public Safety and Security Committee

AN ACT CONCERNING ANNUAL RANDOM AUDITS OF PROFESSIONAL BONDSMEN

SUMMARY: By law, professional bondsmen must report each January to the emergency services and public protection commissioner the names of the people the bondsman acted as a surety for in the previous year, with the date, bond amount, fees charged and paid, and any other information the commissioner requires. This act requires the commissioner, annually

beginning by March 1, 2025, to randomly select three bondsmen whose books and records the commissioner must audit for compliance with the statutory commissions and fees.

By law, professional bondsmen may charge up to the following amounts for bail that they furnish: $50 for amounts up to $500; 10% of amounts from $500 to $5,000; and 7% of amounts greater than $5,000.

Lastly, the act makes a technical change.

EFFECTIVE DATE: July 1, 2024

PA 24-27—sSB 341
Public Safety and Security Committee

AN ACT ESTABLISHING A FALLEN OFFICER FUND AND PROVIDING HEALTH INSURANCE COVERAGE TO SURVIVORS OF A POLICE OFFICER KILLED IN THE LINE OF DUTY

SUMMARY: This act codifies a policy of the state comptroller by establishing the "Fallen Officer Fund" to, within available appropriations, give a lump sum death benefit totaling $100,000 to a surviving family member or beneficiary of a police officer who was killed in the line of duty or sustained injuries that were the direct or proximate cause of the officer's death. (The FY 24-25 Budget appropriated $500,000 in each of these fiscal years to the comptroller's operating expenses account to provide money for the fund.) It requires the comptroller to (1) adopt implementing regulations and (2) annually report on the fund to the Public Safety and Security Committee.

Under the act, this benefit payment is exempt from the state income tax and must not be reduced or offset due to other benefits that may be awarded (e.g., workers' compensation).

The act also allows certain survivors who were covered by a municipal police officer's health care benefit plan at the time of the officer's death, to apply for or keep the coverage for one year after an officer's death and to then renew the coverage annually for up to five years.

Lastly, the act makes various technical and conforming changes.

EFFECTIVE DATE: July 1, 2024, except the provisions establishing the fund and state tax exemption are effective upon passage, and the tax exemptions are applicable to tax years starting on or after January 1, 2024.

FALLEN OFFICER FUND

The act establishes the "Fallen Officer Fund" as a non-lapsing fund that contains any money required by law to be deposited into it. The treasurer must hold the money separate and apart from other money, funds, and accounts. The interest from fund investments must be credited to the fund. The comptroller may expend funds as payment to the surviving family and to reimburse municipalities (i.e., the employer) for insurance premiums paid on the surviving family's behalf (see below).

Under the act, the "surviving family" is a surviving spouse, surviving child (whether dependent or not), or surviving parent of a police officer killed in the line of duty, or the most recently listed surviving beneficiary on file with the officer's employing law enforcement unit.

"Killed in the line of duty" is a police officer's death while performing his or her duties, resulting from an incident, accident, or violence that caused the death or caused injuries that were its direct or proximate cause, including any death that is determined to be occupationally related by a workers' compensation insurance carrier, an employer to whom a certificate of self-insurance has been issued, or an administrative law judge for workers' compensation purposes. It does not include the death of a police officer through the officer's own wanton or willful act.

Payment

Under the act, when the comptroller receives notice, in a manner he prescribes, from a surviving family member of a police officer killed in the line of duty, he must, within available appropriations, pay a lump sum death benefit totaling $100,000 from the fund to the surviving family. The act limits each surviving family to one lump sum death benefit and requires payments to be made in the order in which notices are received until the amount in the fund is depleted.

The act specifies that this payment is in addition to any other benefits the officer's surviving family members are eligible for and the payments must not be reduced or offset because of these benefits (e.g., workers' compensation or other survivor benefits).

Legislative Report

Starting by July 1, 2025, the act requires the comptroller to annually report to the Public Safety and Security Committee a list of all fund expenditures for the prior year, the fund's current balance, and information on additional amounts needed for the fund.

Regulations and Policies and Procedures

The act requires the comptroller to adopt implementing regulations. This includes application procedures and criteria for awarding grants among surviving family members, with priority given to awards benefiting an officer's dependent child or children and spouse. The comptroller may implement policies and procedures needed to implement the act while in the process of adopting these regulations, as long as he posts a notice of intent to adopt regulations on the eRegulations system within 20 days after implementing the policies and procedures. These policies and procedures are valid until regulations are adopted.

Under the act, a "dependent child" is a police officer's child, whether by blood or adoption, who is:

1. under age 22 and (a) was dependent on the officer's earnings at the time of the officer's death, (b) does not provide more than half of his or her own support, and (c) is not married or legally adopted by another person; or
2. any age and is physically or mentally incapacitated and dependent on the officer's earnings at the time of the officer's death.

HEALTH INSURANCE

Existing law requires the comptroller to offer "partnership plans" (i.e., health care benefit plans) to nonstate public employers and nonprofit employers.

The act requires a nonstate public employer that provided coverage under a partnership plan to a police officer who is killed in the line of duty to continue to provide the coverage to the survivors who were covered under the plan at the time of the officer's death. The coverage must continue for one year after the officer's death and may be renewed annually for up to five years. The nonstate public employer must facilitate the coverage continuation and renewal.

Under the act, a nonstate public employer that did not provide coverage under a partnership plan to a police officer who is killed in the line of duty must apply for coverage under a partnership plan for, and at the request of, the survivors who were receiving health care benefit coverage through a plan offered to the officer at the time of the officer's death. The comptroller must accept the application on the terms and conditions applicable to the partnership plan for enrollment and coverage of the survivors for one year. The enrollment and coverage may be renewed annually for up to five years. The nonstate public employer must facilitate initiation and renewal of the enrollment and coverage. Additionally, if the employer does not include all of its employees in its application for coverage because of this coverage application, the comptroller must not forward the employer's application to a health care actuary.

The act exempts anyone who is receiving this coverage from having to pay monthly premiums for these plans and requires the comptroller to reimburse, from the Fallen Officer Fund, any employer making these premium payments.

BACKGROUND

Law Enforcement Units and Police Officers

By law, a "law enforcement unit" is any state or municipal agency or department (or certain tribal police departments 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.

"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; or any members of a law enforcement unit who perform police duties (CGS § 7-294a).

PA 24-32—sHB 5280
Public Safety and Security Committee

AN ACT CONCERNING THE NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK

SUMMARY: This act conforms law to practice by requiring the Department of Emergency Services and Public Protection's (DESPP's) Division of Scientific Services to participate in the National Integrated Ballistic Information Network (NIBIN) databank, rather than the computer-based firearms evidence databank that prior law required the division to establish. (NIBIN is an interstate automated ballistic imaging network that automates ballistics evaluations and is maintained by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.)

Additionally, the act changes prior law's testing provisions, which allowed handguns in a police department's custody that pertained to a criminal investigation to be tested. The act instead requires all firearms that pertain to a criminal investigation, not just handguns, to be tested.

The act also subjects additional law enforcement agencies, not only police departments, to the databank-related provisions. It also requires law enforcement units that recover any spent cartridge case from a crime scene or an improper firearm discharge to submit an exam of the cartridge case to the NIBIN databank as soon as practicable.

Lastly, the act makes various minor, technical, and conforming changes to implement its provisions, including requiring laboratory personnel to use the NIBIN database following federal procedures and state regulations the act requires the DESPP commissioner to adopt.
EFFECTIVE DATE: October 1, 2024

FIREARMS TESTING FOR CRIMINAL INVESTIGATIONS

Prior law generally allowed a police department to submit any handgun that came into its custody during a criminal investigation to the division's forensic science laboratory or its own qualified firearms section for testing. The act instead requires law enforcement units to (1) submit firearms that come into police custody during a criminal investigation, or fired components of ammunition from the firearms, to the laboratory or (2) if allowed by the laboratory, test fire the firearm as soon as practicable and submit the results to the NIBIN database.

As under prior law for handguns, the act allows the laboratory to test fire any submitted firearm and collect fired components of ammunition from the test fires. The laboratory must label the fired components of ammunition with the firearm manufacturer, weapon type, serial number, test fire data, and name of the person who test fired the firearm and collected the ammunition.

LAW ENFORCEMENT UNITS

For the databank-related provisions, the act replaces the term "police department" with the more expansive term "law enforcement unit." In doing so, the act extends existing law's databank-related provisions for police departments to all law enforcement units as defined under the act. This includes:

1. allowing units to ask the forensic science laboratory to verify any matching result of cartridge cases, bullets, or other projectiles and to produce a report on the results; and
2. requiring units, before issuing a handgun, to (a) test fire it and collect the fired ammunition (the department may ask the State Police or the laboratory to assist) and (b) seal the fired ammunition in a tamper-evident way, label the package with certain identifying information, and submit it to the laboratory along with two intact cartridges.

Under prior law, a "police department" included the State Police and an organized local police department. 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.

PA 24-56—sSB 234
Public Safety and Security Committee

AN ACT EXEMPTING CERTAIN LAW ENFORCEMENT RECORDS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT

SUMMARY: This act expands exemptions of certain law enforcement and government agency records from disclosure under the Freedom of Information Act (FOIA). This includes one that applies, under existing law, to law enforcement agency records created in detecting or investigating crime that are not otherwise available to the public when disclosure would not be in the public interest because it would reveal, among other things, (1) the identity of certain informants or witnesses or (2) signed witness statements. The act expands this exemption to also include (1) the identity of "mandated reporters" (see BACKGROUND) not otherwise known and (2) sworn witness statements.

The act also expands a FOIA exemption for certain images when disclosure could constitute an invasion of personal privacy. Under prior law, this exemption only applied to certain images of homicide victims. Under the act, the expanded exemption applies to a photograph, film, video, digital image, or other visual image created by a law enforcement or other government agency depicting a domestic or sexual abuse victim, homicide or suicide victim, or deceased victim of an accident. The exemption applies if disclosure could reasonably be expected to constitute an unwarranted invasion of the victim's or surviving family members' personal privacy. Under existing law, a similar confidentiality requirement applies to body or dashboard camera recordings of an incident scene involving these victims (CGS § 29-6d(g)(2)(B)).

The act also exempts from disclosure a photograph, film, video, digital image, or other image of a minor created by a law enforcement or other government agency unless disclosure is required by the state's body and dashboard camera law. By law, body and dashboard camera recordings of minors must be disclosed if:

1. the minor and his or her parent or guardian consent to disclosure;
2. the minor or his or her parent or guardian alleges police misconduct, and the person representing the accused officer in an investigation requests disclosure solely to prepare a defense; or
3. a person is charged with a crime and his or her counsel requests disclosure solely to aid in the person's defense, as long as the record's discovery as evidence is otherwise allowed (CGS § 29-6d(g)(2)(C)).

EFFECTIVE DATE: July 1, 2024

BACKGROUND

Mandated Reporters

By law, people in more than 40 different professions and occupations that have contact with children or whose primary focus is children must report suspected child abuse or neglect (CGS § 17a-101). These are called mandated reporters, and they must make the report when, in the ordinary course of their employment or profession, they have reasonable cause to believe or suspect that a child younger than age 18 has been abused, neglected, or placed in imminent risk of serious harm (CGS § 17a-101b). Broadly, mandated reporters include specified law enforcement members, health professionals, social workers, counselors and therapists, childcare providers, school employees, coaches, clergy members, and certain state employees (e.g., any Department of Children and Families employee and certain Office of Early Childhood employees) (CGS § 17a-101(b)).

PA 24-65—SB 339
Public Safety and Security Committee
Judiciary Committee

AN ACT REQUIRING RESTITUTION WHEN A POLICE ANIMAL OR DOG IN A VOLUNTEER CANINE SEARCH AND RESCUE TEAM IS INJURED OR KILLED

SUMMARY: This act requires anyone convicted of intentionally injuring or killing a peace officer's animal or a volunteer canine search and rescue team's dog to pay restitution to the animal's owner. As under existing law, which already imposes other penalties for these actions, the animal must have been injured or killed while performing its duties under the supervision of a peace officer or an active search and rescue team member.

In addition to any fine or imprisonment imposed under existing law, the act requires restitution to be paid to the law enforcement unit, entity, or individual that owns the animal. The restitution may include the cost of veterinary services and,

if the animal is killed or rendered unable to perform its duties, the costs and expenses of purchasing and training a replacement.

By law, intentionally injuring a peace officer's animal or a volunteer canine search and rescue team's dog is a class D felony (see Table on Penalties) and intentionally killing these animals is punishable by up to 10 years imprisonment, up to a $10,000 fine, or both.

EFFECTIVE DATE: October 1, 2024

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 police officers, 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)).

PA 24-67—SB 342
Public Safety and Security Committee

AN ACT CONCERNING THE CONFIDENTIALITY OF COMMUNICATIONS BETWEEN PEER SUPPORT TEAM MEMBERS AND DEPARTMENT OF CORRECTION EMPLOYEES

SUMMARY: This act extends to all Department of Correction (DOC) employees existing provisions that make oral and written communications between a first responder and a peer support team member confidential with certain exceptions. It does this by adding DOC employees to the statutory list of "first responders" to whom these provisions apply. (These provisions already applied to DOC officials with arresting authority in a correctional institution or facility because they are "peace officers" and were therefore considered "first responders" under prior law.)

By law, the confidentiality protection applies only to (1) communications made in confidence as part of a first responder's participation in a peer support program established by his or her employer and (2) all records prepared by a team member related to a first responder's program participation. Existing law generally prohibits a peer support team member from disclosing those communications unless the first responder waives the privilege. (A "peer support team member" is any person who directs or staffs an employer-established peer support program for first responders.)

EFFECTIVE DATE: July 1, 2024

FIRST RESPONDERS

Under prior law, "first responder" only included:

1. certain peace officers and firefighters (see BACKGROUND);
2. privately employed firefighters;
3. ambulance drivers;
4. certified emergency medical responders, emergency medical technicians, or advanced emergency medical technicians;
5. licensed paramedics; and
6. telecommunication operators employed by a public or private safety agency whose primary responsibilities are to process emergency calls, dispatch emergency services, and disseminate emergency information.

The act expands this list of professionals to include all DOC employees.

DISCLOSURE PROHIBITIONS

Existing law generally prohibits a peer support team member from disclosing confidential communications to any third party and in any civil, criminal, legislative, or administrative proceeding. It also prohibits anyone in those proceedings from

requesting or requiring a first responder to provide information about his or her participation in a peer support program, including whether the first responder was ever in such a program. The act extends these confidentiality protections to all DOC employees.

DISCLOSURE EXCEPTIONS

By law, a peer support team member may disclose confidential communications to a third party when it is reasonably necessary for the team member to accomplish the purpose for which he or she was consulted. Additionally, peer support team members do not need a first responder's consent to disclose these communications under the following circumstances:

1. when statutorily required to do so;
2. if they believe in good faith that failure to disclose would present a clear and present danger to someone, including the first responder; and
3. if they were witnesses or parties to an incident that resulted in the delivery of peer support services to the first responder.

Under the act, these exceptions also apply to communications between any DOC employee and a peer support team member.

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 police officers, adult probation officers, DOC 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)).

Firefighters

By law, the following individuals are designated firefighters: any (1) uniformed member of a paid municipal, state, or volunteer fire department and (2) local fire marshal, deputy fire marshal, fire investigator, fire inspector, and certain other classes of inspectors and investigators (CGS § 7-313g).

PA 24-71—sSB 343
Public Safety and Security Committee

AN ACT CONCERNING MEMBERSHIP OF THE CODES AND STANDARDS COMMITTEE AND BATTERY-CHARGED SECURITY FENCES

SUMMARY: This act restricts municipal regulatory authority over certain alarm systems that qualify as battery-charged security fences under the act. It specifically prohibits municipalities from adopting or enforcing an ordinance, order, or regulation that:

1. requires a permit or fee to install or use a battery-charged security fence, other than an alarm system permit or fee;
2. imposes installation or operational requirements for these fences that are inconsistent with the act's qualification requirements for them; or
3. prohibits the installation or use of these fences.

Separately, the act increases the Codes and Standards Committee membership from 21 to 23 members and modifies the occupation and expertise eligibility requirements for one group of its members. Under prior law, two committee members must have been builders or construction superintendents, with one having expertise in residential construction and the other in nonresidential construction. The act increases this group to four members who must be builders, remodelers, or construction superintendents. It requires one each to have expertise in residential remodeling, commercial construction, single-family detached residential construction, and multifamily residential construction.
EFFECTIVE DATE: Upon passage

BATTERY-CHARGED SECURITY FENCE

Under the act, a "battery-charged security fence" is an alarm system and ancillary components or equipment attached to the system, including a fence, an energizer, cameras, and a battery-charging device used exclusively to charge the battery. Additionally, to qualify as this type of fence under the act, it must:

1. interface with a monitored alarm device in a way that enables the alarm system to transmit a signal intended to alert the business owner whose business the fence protects or a law enforcement officer in response to an intrusion or burglary;
2. be on property that a municipality has not zoned exclusively for residential use;
3. have an energizer powered by a commercial storage battery of not more than 12 volts of direct current and meeting International Electrotechnical Commission Standard 60335-2-76;
4. be behind and inside a nonelectric fence, wall, or barrier that is at least five feet tall;
5. be the higher of (a) 10 feet or (b) at least two feet higher than the nonelectric fence; and
6. be marked with conspicuous warning signs on the fence at no more than 30-foot intervals that state: "WARNING—ELECTRIC FENCE."

BACKGROUND

Codes and Standards Committee

The committee works with the state building inspector and state fire marshal to implement the state building, fire safety, and fire prevention codes. Its members include architects, professional engineers, construction superintendents, and local building and fire officials.

PA 24-107—sSB 420
Public Safety and Security Committee

AN ACT CONCERNING ILLEGALLY PASSING A SCHOOL BUS

SUMMARY: This act makes several changes relating to Connecticut's motor vehicle law that generally prohibits drivers from passing a school bus that has its red signal lights flashing (commonly referred to as the "stop arm law" since a stop-sign shaped "arm" extends from the left side of a bus when its red lights are activated). Principally, it:

1. sunsets the current statutory authorization for municipalities and boards of education to use a live digital video school bus violation detection monitoring system to enforce the stop arm law, generally by July 1, 2026 (§ 2);
2. prohibits municipalities and boards of education from beginning to use a monitoring system under the current statutory authorization if they have not done so by July 1, 2024 (§ 2);
3. replaces the current statutory authorization with a similar one that expressly allows municipalities to adopt ordinances that authorize the use of a monitoring system to enforce the stop arm law and establish $250 municipal fines for violations (§ 4); and
4. changes the law that allows a vehicle to pass a school bus displaying its flashing red signal lights on a separate road to specify that the two vehicles must be separated by a safety island or physical barrier (§ 1).

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2024

§ 1 — PASSING BUSES ON SEPARATE TRAFFIC LANE

By law, when a driver approaches a school bus displaying its flashing red signal lights on a public or private road, off-street parking lot open to the public, or any school property, the driver must immediately stop his or her vehicle at least 10 feet from the front or rear of the bus and remain stopped until the bus no longer displays its red signal lights, unless otherwise directed by a traffic officer.

However, the act allows drivers on public roads with at least two lanes for traffic separated by a safety island or physical barrier to drive without stopping when meeting or passing a school bus that is on the opposite side of the island or barrier. This replaces a similar allowance under prior law that permitted drivers on public roads with separate roadways to not stop when meeting or passing a school bus that was on a different roadway.

§§ 2 & 3 — CURRENT MONITORING SYSTEMS AUTHORIZED BY STATUTE

Authorization and Private Vendor Agreements

Under existing law, a municipality or board of education may install, operate, and maintain monitoring systems and enter into an agreement with a private vendor for installing, operating, and maintaining them. These agreements must also require the vendor to report annually on the number of tickets issued as a result of the monitoring system and the amount of money collected.

By law, the vendor's report must be submitted to the municipality or board of education, which must forward it to the Transportation Committee within 30 days. The act further requires the report to also be forwarded to the Public Safety and Security Committee and specifies that the forwarding must be done within 30 days after the municipality or board of education receives the report.

Prohibition on New Operations and Sunset of Current Operations

The act prohibits municipalities and boards of education that are not operating a monitoring system before July 1, 2024, under the current statutory authorization from (1) starting operation of one on or after July 1, 2024, or (2) entering into an agreement with a private vendor under this authorization for installing, operating, and maintaining a system on or after July 1, 2024.

The act also generally requires municipalities, boards of education, and private vendors that are operating a monitoring system on July 1, 2024, under the current statutory authorization to stop doing so by July 1, 2026. However, these vendors may continue to operate their systems on or after July 1, 2026, if (1) their operation agreements were entered into prior to July 1, 2024; (2) no agreement renewal or extension option is exercised on or after July 1, 2024, that would extend their operation to include any period of time on or after July 1, 2026; and (3) their operation stops once the agreement ends.

Destruction Rules

By law, all recorded images of alleged violations must be destroyed (1) 90 days after an alleged violation that did not result in a summons or (2) upon the final disposition of a case where a summons was issued. The act specifies that this destruction must be done after the later of these two dates.

§§ 4 & 5 — MONITORING SYSTEMS AUTHORIZED BY MUNICIPAL ORDINANCE

Monitoring System Definition

For the ordinance authorization, the act defines its related monitoring system ("municipal school bus violation enforcement system") substantially the same as the one under the current statutory authorization ("live digital video school bus violation detection monitoring system"). In both instances, the monitoring system is a system with one or more camera sensors and computers that produce:

1. digital and recorded video images of vehicles being driven in violation of the stop arm law;
2. a visual image, viewable remotely, and a recorded image of the violating vehicle's number plate; and
3. a recorded image that indicates the violation's date, time, and location.

However, for the ordinance authorization, the act does not carry forward the requirement in the current statutory authorization that the monitoring system produce digital, recorded video, and visual images that are "live."

Ordinance Requirements and Other Conditions

Existing law empowers municipalities to regulate the operation and speed of vehicles, subject to state statutes (CGS § 7-148(c)(7)(B)). The act specifically allows any municipality to, by vote of its legislative body, adopt an ordinance to authorize the use of a monitoring system to enforce the stop arm law.

Any ordinance adopted under the act must:

1. specify that the owner of a motor vehicle commits a violation of the ordinance if the person driving the vehicle violates the stop arm law, unless an affidavit disclaiming liability is filed (see below);
2. adopt the act's procedures and establish a citation procedure according to state law, which may include an option for in-person and virtual citation hearings;
3. establish a $250 fine for violations;
4. allow the municipality or its designated agent to collect the fines, with proceeds credited to the municipality; and
5. require funds from the fines to be used for improving public safety in the municipality; compensating the municipality's private vendor (if any) that installs, operates, or maintains its system; or both.

Additionally, an ordinance may require proof of a violation by a preponderance of the evidence.

The act prohibits an ordinance adopted under the act from being effective if the municipality, its local or regional board of education, or a private vendor under an agreement with either is operating a monitoring system through the current statutory authorization.

Recorded Images and Warning Sign

The act requires monitoring systems to be installed, to the extent practicable, in such a way that only a vehicle's license plate number is recorded. It also prohibits them from recording images of vehicle occupants or other people or vehicles in the vicinity at the time of recording.

Under the act, a citation issued under the ordinance may not be dismissed in a citation hearing solely because a recorded video or digital still image reveals images of the occupants or other people or vehicles, as long as reasonable effort has been made to comply with the above two requirements.

The act also requires all school buses with an operational monitoring system to display a warning sign to that effect.

Reviewing Evidence File and Issuing Warnings and Citations

Under the act, when a monitoring system's evidence file captures an alleged ordinance violation, police officers and authorized municipal employees must review the file when they receive it. If the officer or employee has reasonable grounds to believe that a violation occurred and the file captures the number plate, color, and type of vehicle allegedly violating the ordinance and the date, approximate time, and location of the violation, then that officer or employee must issue a written warning or citation to the vehicle's owner.

The officer or employee must electronically certify a citation and it may only be issued if mailed within a certain time period. Specifically, it must be mailed (1) within 30 days after the date of the alleged violation for Connecticut registered vehicles or (2) within 60 days after the date of the alleged violation for vehicles registered in another jurisdiction. The municipality, or its designated agent, must send, by first class mail, a copy of the citation to the vehicle's owner. For out-of-state vehicles, the act requires using the owner's address that is in the records of the official in the other jurisdiction that issues the vehicle's registration.

The act requires the citation to include:

1. the vehicle owner's name and address;
2. the vehicle's number plate;
3. the alleged violation's date, location, and time;
4. a copy of or information on how to electronically view the monitoring system's recorded images;
5. a statement or electronically generated affirmation by the police officer or authorized employee who reviewed the recorded images and determined that the vehicle violated the ordinance;
6. the fine imposed and how to pay it;
7. notice of the right to contest the citation and instructions for how to request a citation hearing; and
8. information advising the vehicle owner about the procedure for disclaiming liability by submitting an affidavit to the municipality or its designated agent (see below).

Evidence Treatments

Under the act, a certificate of the review of the evidence produced by the monitoring system (or a copy of this certificate), sworn to by the police officer or authorized municipal employee who conducted the review, is prima facie evidence (i.e., a preliminary showing that can be overcome by other evidence) of the facts contained in the certificate.

Additionally, a manual or automated record of the citation's mailing, prepared by the police officer, authorized employee, or vendor in the ordinary course of business, is prima facie evidence of the mailing and admissible in any hearing

held under the ordinance as to the facts in the citation.

The act makes a vehicle's owner liable for any fine imposed under an ordinance with two exceptions. First, if the vehicle identified by the system is a leased or rented motor vehicle, then the lessee of the vehicle is liable. Second, if the owner files an affidavit disclaiming liability (see below), then the vehicle's driver is liable.

Under the act, a monitoring system-produced digital still or video image is sufficient evidence of an ordinance violation and must be admitted at a citation hearing proceeding without further authentication.

Available Defenses

The act requires that all defenses be available to someone who is alleged to have violated the ordinance, including that:

1. the driver was driving an emergency vehicle according to state law;
2. the violation was necessary to allow an emergency vehicle to pass, comply with a law enforcement officer's order or direction (which is observable on the recorded images), or avoid injuring the person or property of another;
3. the vehicle had been reported as being stolen to a law enforcement unit and had not been recovered before the time of the violation; or
4. the driver received a citation for a stop arm law violation for the same incident.

Additionally, within 30 days after the mailing of a citation, the vehicle owner may submit a notarized affidavit that (1) is executed by the vehicle's owner and driver at the time of the alleged violation, (2) states that the driver is the party who may be responsible for the alleged violation, and (3) includes the driver's name and address. If the municipality or its designated agent receives this affidavit, the municipality must mail a citation to the driver within 30 days after its receipt.

Other Effects and Destruction of Images

The act prohibits introducing monitoring system-produced recorded images as evidence in any other civil or criminal proceeding.

Under the act, monitoring system-produced digital stills and video images must be destroyed (1) 90 days after they were created or (2) upon payment or the final disposition of all matters related to a citation issued for an ordinance violation, whichever is later.

The act further prohibits ordinance violations from being made part of an owner's driving record or used for any motor vehicle insurance policy purpose.

Vendor Agreements and Reporting

For enforcing ordinances adopted under the act, the municipality or its board of education may enter into an agreement with a private vendor to install, operate, or maintain a monitoring system.

For agreements that require a vendor to operate the system, the act requires them to report certain information to the municipality and board of education by August 1 following the vendor's first operation of the system and then by that day in each year it continues to operate the system. The report must include the total number of citations issued in the prior fiscal year for violations detected and recorded by the monitoring system and the total amount of funds collected for the violations during the same period.

By October 1 after adopting an ordinance, and then by that day in each year after in which the ordinance is in effect, the municipality must submit a report to the Department of Transportation (DOT) that includes a copy of the ordinance and for the prior fiscal year (1) the total number of citations issued for violations of the ordinance, (2) the total amount of funds collected for those violations, and (3) how the municipality spent those funds.

By January 1, 2026, and annually after, DOT must submit a report to the Public Safety and Security and Transportation committees that includes copies of the ordinances it has received and a summary of the information provided by the reporting municipalities.

PA 24-127—sHB 5399
Public Safety and Security Committee

AN ACT CONCERNING THE CRIMINAL JUSTICE RESPONSE TO VICTIMS OF SEXUAL ASSAULT

SUMMARY: This act establishes, within the legislative branch, the Sexual Assault Criminal Justice Response, Enhancement, and Model Policy Advisory Council to (1) evaluate the current criminal justice response to sexual assault

incidents involving adult victims; (2) develop a model policy for responding to these incidents; (3) submit the initial policy to the Police Officer Standards and Training Council (POST) by July 1, 2025; and (4) annually review and, if necessary, update the policy and submit it to POST.

Relatedly, the act requires POST to periodically (1) review and approve the advisory council's model policy and distribute it to law enforcement units and (2) submit recommendations on the model policy to the legislature. Additionally, law enforcement units must annually adopt and maintain a written policy that at least meets the standards of the most recently distributed model policy.

The act also provides additional assistance to sexual assault victims by:

1. expanding the types of information that the judicial branch's Office of Victim Services (OVS) must annually compile for domestic violence victims to also include services and resources available to sexual assault victims;
2. directing local school boards to require that this information be given to individuals who do not feel safe due to sexual assault; and
3. making it a police officer's responsibility to provide immediate assistance to a victim at the scene of a sexual assault incident or at the time the complaint is filed (e.g., by referring the victim to OVS).

EFFECTIVE DATE: Upon passage for the provisions on the OVS information compilation; July 1, 2024, for the provision on the advisory council; October 1, 2024, for the provision on police officers' responsibility to provide victim assistance; and July 1, 2025, for a conforming change.

§ 1 — SEXUAL ASSAULT CRIMINAL JUSTICE RESPONSE, ENHANCEMENT, AND MODEL POLICY ADVISORY COUNCIL

The act establishes a 26-member Sexual Assault Criminal Justice Response, Enhancement, and Model Policy Advisory Council to (1) evaluate the current criminal justice response to sexual assault incidents involving adult victims in Connecticut and (2) establish a model policy for responding to these incidents. The council is part of the legislative branch, and the Public Safety and Security Committee's administrative staff must serve as the council's administrative staff.

Model Policy

In developing the model policy, the council must conduct the examinations it deems appropriate, including evaluating the:

1. policies and procedures law enforcement agencies use when responding to sexual assault incidents;
2. accuracy of data the Department of Emergency Services and Public Protection (DESPP) and the judicial branch's Court Support Services Division (CSSD) collect, and collecting and analyzing any additional data related to sexual assault and the criminal justice response available from judicial branch court operations, state's attorneys, public defenders, sexual assault victim advocates, or operators of sexual assault offender programs;
3. risk assessments used throughout a sexual assault case from arrest through adjudication;
4. arrest, prosecution, penalties, and monitoring for violations of civil protection orders or criminal protective orders related to sexual assault;
5. programming offered to individuals convicted of a sexual assault crime who are currently incarcerated with the Department of Correction (DOC); and
6. criminal justice stakeholders' training and education.

Membership and Appointments

The six legislative leaders and the governor must each appoint one council member. The House speaker, Senate president pro tempore, and House and Senate minority leaders may appoint General Assembly members. The House majority leader's appointee must be a municipal police officer with experience providing training related to sexual assaults. The Senate majority leader's appointee must represent a community-based organization that provides group counseling or treatment to individuals who have committed sexual assault.

The council must include additional members appointed as follows:

1. two by the DESPP commissioner, one who is a State Police representative with experience providing training related to sexual assault, and one who is a State Police commanding officer;
2. four by the Chief Court Administrator, who must be a Superior Court judge assigned to hear criminal matters, a family relations counselor or a CSSD supervisor, a CSSD administrator, and an OVS administrator;
3. four by the Connecticut Alliance to End Sexual Violence chief executive officer, who must be a sexual assault victim, a victim advocate with courtroom experience in sexual assault matters, the executive director of a community-based organization that provides direct services to individuals impacted by sexual assault, and a Connecticut Alliance to End Sexual Violence representative; and
4. one appointed by the president of a Connecticut police chiefs association, who must be an association representative.

Lastly, the council must also include the following officials or their designees: the Office of Policy and Management secretary, Board of Pardons and Paroles chairperson, DESPP and DOC commissioners, POST chairperson, chief state's attorney, chief public defender, and victim advocate.

All council members must be appointed by October 1, 2024, and every four years after that. They serve for a four-year term, may be reappointed, and continue to serve until a successor is appointed and qualified. The appointing authorities fill any vacancies.

Deadlines

The act requires the advisory council to develop the initial model policy and submit it to POST by July 1, 2025. The advisory council must annually review and, if needed, update the policy and submit it to POST.

Starting by August 1, 2025, POST must annually (1) review the model policy and any updates; (2) approve them, with or without modifications; and (3) distribute the model policy to each law enforcement unit (see BACKGROUND). Then, starting by September 1, 2025, each law enforcement unit must annually adopt and maintain a written policy that meets or exceeds the standards of the most recently distributed version of the model policy.

Starting by the same date, POST must annually report to the Judiciary and Public Safety and Security committees recommendations for statutory or policy changes within the advisory council's jurisdiction. The report must include any updates or modifications to the model policy and any recommendations for sexual assault offender programs.

§ 2 — POLICE OFFICER RESPONSIBILITIES

Under the act, it is a police officer's (see BACKGROUND) responsibility at the scene of a sexual assault incident involving an adult victim, or when a complaint of such an incident is filed, to provide immediate assistance to the victim. This must include:

1. helping the victim get medical treatment if it is required;
2. informing the victim about available services, including giving the victim (a) contact information for a regional sexual assault organization that employs, or provides referrals to, counselors trained in providing trauma-informed care and (b) a copy of the information on services and resources available to victims of sexual assault (see §§ 3 & 4 below);
3. if there is a child at the scene or present when the complaint is filed, and the child's parent or guardian is also present, giving the parent or guardian a copy of the documents on behavioral and mental health evaluation and treatment resources available to children for the appropriate mental health region; and
4. referring the victim to OVS.

§§ 3 & 4 — OVS COMPILATION ON SEXUAL ASSAULT VICTIM SERVICES AND RESOURCES

The law requires OVS, in consultation with the Connecticut Coalition Against Domestic Violence, to annually compile information on services and resources available to domestic violence victims. Starting by December 1, 2024, the act requires OVS to (1) also consult with the Connecticut Alliance to End Sexual Violence in compiling this information and (2) include information on services and resources available to sexual assault victims.

As under existing law, the information OVS compiles on the services and resources must include:

1. referrals available to counseling and supportive services, including the secretary of the state's Safe at Home program, shelter services, medical services, domestic abuse hotlines, legal counseling and advocacy, mental health care, and financial assistance; and
2. procedures to voluntarily and confidentially identify eligibility for referrals to the counseling and supportive services, which must be translated into and provided in multiple languages, including English, Polish, Portuguese, and Spanish.

The act also requires the information to include referrals to sexual assault crisis centers and sexual assault hotlines.

Under existing law and the act, OVS must provide the information it compiles to various places, including the State Department of Education (SDE), the State Police and each municipal police department, and each ambulance company and organization.

Under existing law, SDE must distribute the above information to local and regional school boards each school year. Each school board must, in turn, require that the information be given to any student or student's parent or guardian who tells a school employee (see BACKGROUND) that the student, parent, or guardian, or a person residing in the home, does not feel safe because of domestic violence. Under the act, school boards must also require that this information be provided in instances where the person does not feel safe due to sexual assault.

BACKGROUND

Police Officers, Law Enforcement Unit, and School Employees

By law, "police officers" are sworn members of an organized local police department or of the State Police; appointed constables who perform criminal law enforcement duties; special police officers appointed under law; or any members of a law enforcement unit who perform police duties.

A "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

A "school employee" is a teacher, substitute teacher, school administrator or superintendent, guidance or school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional school board or working in a public elementary, middle, or high school, or anyone else who, in performing his or her duties, has regular contact with students and provides services to or on behalf of students enrolled in a public elementary, middle, or high school under a contract with the local or regional school board (CGS § 10-222d).

PA 24-136—sHB 5483
Public Safety and Security Committee

AN ACT ESTABLISHING AND TRANSFERRING VARIOUS FUNCTIONS TO A DIVISION OF FIRE SERVICES ADMINISTRATION WITHIN THE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION, REVISING THE POWERS AND COMPOSITION OF THE COMMISSION ON FIRE PREVENTION AND CONTROL AND ESTABLISHING A WORKING GROUP

SUMMARY: This act eliminates the Office of State Fire Administration and creates a Division of Fire Services Administration within the Department of Emergency Services and Public Protection (DESPP) as a successor agency. It makes the state fire administrator the new division's administrative head and reassigns the administrator's current duties to the division and expands on them.

Among other things, the act makes several changes to the Commission on Fire Prevention and Control, including expanding its membership and its powers and duties, such as advising the new division on the management of the Statewide Fire Service Disaster Response Plan. It also expressly allows any regional fire school to receive and use federal, state, or private funds or contributions for the school's facilities and operations (§ 9). Additionally, the act creates a working group to make recommendations on the structure and operations of the Department of Administrative Services' (DAS) Office of the State Fire Marshal and Office of Education and Data Management.

The act also makes conforming and technical changes.

EFFECTIVE DATE: July 1, 2025, except that (1) a conforming change is effective July 1, 2024, and (2) the changes to the Commission on Fire Prevention and Control and creation of the working group are effective upon passage.

§§ 1 & 4-8 — DIVISION OF FIRE SERVICES ADMINISTRATION

The act requires that the functions, powers, duties, and personnel of the Office of State Fire Administration be transferred to the Division of Fire Services Administration. Additionally, any order or regulation of the office that is in force on the act's effective date must continue in force and effect as an order or regulation of the division until it is amended, repealed, or superseded. The act makes conforming changes to carry out this transfer, including requiring the division, rather than the Office of State Fire Administration, to administer the state's responsibilities under federal laws relevant to fire services and to develop a master plan for fire prevention and control.

Under the act, the state fire administrator is the Division of Fire Services Administration's administrative head. Under prior law, the state fire administrator had to be recommended by the Commission on Fire Prevention and Control and appointed by the DESPP commissioner. Beginning July 1, 2025, and upon a vacancy of the position, the act instead allows the Commission on Fire Prevention and Control to recommend candidates to the DESPP commissioner, who must appoint someone with at least five years of fire service experience.

The act removes a provision that required the state fire administrator to coordinate the training and education of fire service personnel at state institutions, facilities, and properties, but otherwise transfers the state fire administrator's prior duties to the Division of Fire Services Administration and adds new ones. Specifically, the act requires the division to do the following:

1. advise and assist the Commission on Fire Prevention and Control on legislative proposals;
2. encourage the expansion and improvement of existing regional firefighter training facilities in cooperation with the commission;
3. administer the state fire school, regional fire schools, certification examinations, testing procedures, and reciprocity recognition for credentials in the fire service disciplines;
4. manage the Statewide Fire Service Disaster Response Plan, with the commission's advice; and
5. make recommendations to the commission and DESPP commissioner on the operational funding of the state fire school and regional fire schools.

The act also requires the division to recommend and give reports on revisions to statutes on firefighter training and fire prevention and control.

The act further requires the division to approve the purchase of fire apparatus or equipment at state institutions, facilities, and properties, in addition to reviewing them as under existing law.

§ 2 — COMMISSION ON FIRE PREVENTION AND CONTROL MEMBERSHIP

On June 30, 2025, the act ends the term of any Commission on Fire Prevention and Control member appointed by that date and makes several changes to the commission's membership beginning July 1, 2025. Generally, it increases the commission's size from 14 voting members to 18 voting members and three nonvoting members. It also changes its composition from 12 gubernatorial appointees and two ex-officio, voting members to 14 gubernatorial appointees, four legislative appointees, and three ex-officio, non-voting members. It additionally requires members of the Connecticut State Firefighters Association, Inc.'s education committee to serve as a commission subcommittee on fire school matters.

Under prior law, the commission consisted of the state fire marshal and the Connecticut State Colleges and Universities (CSCU) president (or their respective designees) and 12 members appointed by the governor, representing six specified entities. The act keeps the fire marshal on the commission but eliminates his authority to vote or assign a designee. It also removes the CSCU president. (PA 24-22, § 10, relatedly changes the title of the CSCU chief executive officer from "president" to "chancellor.") The act changes the governor's current appointments by (1) requiring one of the two members from the Connecticut State Firefighters Association be the chairperson of the association's education committee and (2) reducing the number of Connecticut Conference of Municipalities appointees from two to one. It adds three gubernatorial appointments, specifically two members of the Connecticut Career Fire Chiefs' Association and one representative of the Connecticut Council of Small Towns.

Beyond these changes, the act adds the following four new voting members:

1. one representative of the Connecticut Council of Small Towns, appointed by the Public Safety and Security Committee's House chairperson;
2. one representative of the Connecticut Conference of Municipalities, appointed by the Public Safety and Security Committee's Senate chairperson;
3. one member of the Connecticut Fire Equipment Mechanics Association, appointed by the Public Safety and Security Committee's House ranking member; and
4. one representative of the Emergency Medical Services Advisory Board, appointed by the Public Safety and Security Committee's Senate ranking member.

The act also adds the following two officials (or their designees) as nonvoting members: the Department of Energy and Environmental Protection Forestry Division's forest protection supervisor and the DESPP State Police Fire and Explosion Investigation Unit's commanding officer.

By law, appointed members have three-year terms. The act allows members to continue to serve until a successor is appointed and requires any vacancy to be filled by the appointing authority for the unexpired portion of the term. As under existing law for the governor's appointments, the act requires each organization to be represented on the commission to submit a list of nominees to the appropriate appointing authority annually by July 15.

As under existing law, appointees must be qualified, by experience or education, in the fields of fire protection, fire prevention, fire suppression, firefighting, and related fields.

The act sunsets, on June 30, 2025, the current commission leadership process under which it elects from its membership a chairperson, vice chairperson, and secretary who must serve a one-year term starting on October 1 of the year in which they are elected. The act requires their terms to expire on June 30, 2025, and expressly states that nothing in the act may prevent their reelection. Beginning July 1, 2025, the act requires the governor to appoint the commission's chairperson from its membership, and the commission must elect from its membership a vice chairperson and secretary, who must all serve one-year terms. As with current leadership, nothing in the act prevents them from being reelected.

§§ 3 & 4 — COMMISSION ON FIRE PREVENTION AND CONTROL POWERS AND DUTIES

The act makes several changes to the Commission on Fire Prevention and Control's powers and duties. It specifically requires the commission to set standards for fire service training and education programs, rather than do so on a voluntary basis.

The act also requires the commission to:

1. advise the Division of Fire Services Administration on managing the Statewide Fire Service Disaster Response Plan;
2. implement the recommendations of the DESPP study on issues facing fire services in the state that was authorized by the 2023 budget implementer; and
3. make recommendations on the funding needed for operating, maintaining, and making capital improvements to the state fire school and regional fire schools as part of the existing annual report it must submit to the governor, legislature, and DESPP commissioner.

The act requires the commission to submit this annual report to the Public Safety and Security Committee, rather than the Legislative Management Committee as prior law required.

The act eliminates the commission's authority to appoint clerical and other assistants it deems necessary to carry out the Office of State Fire Administration's functions.

§ 10 — WORKING GROUP

The act creates a working group to make recommendations on the structure and operations of the DAS Office of the State Fire Marshal and Office of Education and Data Management to effectively administer code development, code enforcement, fire prevention, and fire investigation functions. The working group must report its findings and recommendations to the Public Safety and Security Committee by January 1, 2025. It terminates on the date it submits the report, or January 1, 2025, whichever is later.

The working group consists of the following members:

1. the Public Safety and Security Committee's chairpersons, vice-chairpersons, and ranking members (or their designees);
2. the DESPP and DAS commissioners (or their designees);
3. the head of the DAS Office of Education and Data Management; and
4. a Connecticut State Fire Marshals Association representative, who must be appointed by the Public Safety and Security Committee's chairpersons.

All initial appointments to the working group must be made by July 1, 2024, and the appointing authority must fill any vacancies.

Under the act, the working group must select a chairperson from among its members. The chairperson must schedule the group's first meeting, which must be held by August 1, 2024. The Public Safety and Security Committee's administrative staff must serve as the working group's administrative staff.

§§ 11 & 12 — APPLICABILITY OF FIRE SERVICE LAWS TO SPECIFIED FIRE DEPARTMENTS

The act repeals a law that provided that (1) the state statutes concerning the Commission on Fire Prevention and Control and the Office of State Fire Administration did not apply to any (a) municipality that employs fewer than six paid firefighters or (b) volunteer fire department or its employees or members and (2) these municipalities and volunteer fire departments could elect to cooperate with the commission regarding the statutes. In doing so, it subjects these municipalities and volunteer fire departments to these statutes. The act also makes a conforming change.

PA 24-20—sSB 183
Transportation Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF MOTOR VEHICLES AND CONCERNING LOW-SPEED VEHICLES, THE TOWING OF OCCUPIED VEHICLES, SCHOOL BUSES, ELECTRIC COMMERCIAL VEHICLES, THE PASSENGER REGISTRATION OF PICK-UP TRUCKS AND REMOVABLE WINDSHIELD PLACARDS FOR PERSONS WHO ARE BLIND AND PERSONS WITH DISABILITIES

TABLE OF CONTENTS:

§ 40 — SCHOOL BUS SEAT BELTS

Reestablishes and makes permanent a DMV school bus seat belt pilot program to provide 50% sales tax refunds for purchases of buses equipped with three-point seat belts

§ 41 — WEIGHT TOLERANCE EXEMPTION FOR ELECTRIC COMMERCIAL VEHICLES

Grants a weight tolerance exemption to primarily electric commercial motor vehicles driving on any road in the state, allowing them to exceed the state's various vehicle weight limits by up to 2,000 pounds; under federal law, the state must already provide this exemption when these vehicles are on the interstates and certain roads near them

§ 42 — PICK-UP TRUCK PASSENGER REGISTRATION

Makes pick-up trucks with a gross vehicle weight rating of 8,501 to 8,550 pounds eligible for a passenger registration if they are not used commercially (currently, they must be registered as combination vehicles); potentially allows them to access roads or other places that limit access by commercial traffic (e.g., state parkways)

§§ 43-45 — ACCESSIBLE PARKING

Modifies the conditions under which a health care professional may certify an applicant for an accessible parking windshield placard; prohibits health care professionals from making fees they charge to applicants seeking certification contingent on whether or not they certify the applicants' eligibility; eliminates the requirement that the Transportation Committee House chairperson's appointment to the Accessible Parking Advisory Council be a municipal planner

SUMMARY: This act makes changes in laws affecting the Department of Motor Vehicles (DMV), DMV-licensed businesses, vehicle registration and operation, vehicle weight limits, school buses, towing, and accessible parking. It also makes technical and conforming changes.
EFFECTIVE DATE: October 1, 2024, unless otherwise noted below.

§§ 1-3 — ELECTRONIC ISSUANCE LICENSES

Requires registration and title companies that file applications electronically to get an electronic issuance license from DMV and establishes a licensing process and licensee operating requirements; lowers the threshold at which these companies may be required to file electronically; increases the total amount of surety bonds these companies must provide

The act modifies the regulatory treatment of people and entities that are engaged in the business of electronically filing, on behalf of their customers, registration or title applications with DMV (i.e., registration and title companies).

Prior law and department regulations authorized the DMV commissioner to permit or require a registration and title company to file these applications electronically if, among other things, he determines that the company is qualified based on the conditions set in statute and department regulations.

The act replaces this authorization with a statutory licensing structure for registration and title companies. The act prohibits registration and title companies from filing registration and title applications electronically without an "electronic issuance license." But it allows currently authorized registration and title companies to continue filing applications electronically until January 1, 2025. After this date, these companies are no longer allowed to use the electronic system without an electronic issuance license.

The act specifically excludes the following entities from the electronic issuance license requirement: licensed motor vehicle dealers, licensed leasing or rental companies, and DMV contractors.

EFFECTIVE DATE: October 1, 2024, except for the provision allowing currently authorized companies to operate until January 1, 2025, which takes effect upon passage.

Threshold for Filing Electronically

The act lowers the threshold at which a registration and title company may be required to file applications online. Prior law allowed the DMV commissioner to require a registration and title company to file applications electronically if he determines that the company files an average of seven or more applications per month. The act lowers this threshold to five. It also specifies that companies DMV requires to file electronically must apply for an electronic issuance license.

Under the act, as under existing law, any company that fails or refuses to file applications electronically upon the commissioner's request must pay a $25 fee for each application it submits.

License Application and Renewal Process

The act requires electronic issuance license applicants to submit an application with the information DMV requires and pay a $250 license fee. Applicants for an initial license or a renewal must be fingerprinted and undergo a state and national criminal records check. If the applicant is a firm or corporation, each officer or major stockholder must be fingerprinted and undergo the check. In addition to the required background check, licensees must also fully disclose any civil judgment or conviction described below under penalty of false statement.

Under the act, the DMV commissioner may issue or renew a license only if he determines the (1) issuance or renewal to the applicant is likely to improve access to DMV services or manage the number of transactions done in person at DMV without compromising the integrity and security of the department's electronic system and (2) applicant is capable of ensuring control of and proper use of license plates and other materials the department provides for registration and title transactions. The DMV commissioner may refuse to grant or renew a license for any reason he reasonably deems necessary. It specifically authorizes him to refuse a license if the applicant or holder (or officer or major stockholder) has been found liable in a civil action or convicted of a violation of laws (1) related to the business of filing registration or title applications or (2) involving fraud, larceny, stalking, embezzlement, bribery, or deprivation or misappropriation of property.

Before refusing to grant or renew a license for any of the above reasons, DMV must notify the applicant or licensee and give them an opportunity for a hearing. Under prior law, DMV could remove a company's authorization for the electronic system under generally the same circumstances but was not required to provide opportunity for a hearing (Conn. Agencies Regs., § 14-15d-4).

Under the act, licenses are generally renewed biennially, but DMV must adopt an initial renewal schedule so that license renewals happen on a staggered basis. If the schedule causes a license to expire more or less than two years from its initial issuance, DMV may charge a prorated license fee.

At least 45 days before a company's license expires, DMV must send the company a renewal application in the way the commissioner determines. Licensees who do not file the renewal application with the $250 license fee before their license expires are prohibited from using DMV's electronic system. Applications filed after the license expires are subject to a $100 late fee. DMV may not renew an electronic issuance license that has been expired more than 45 days.

Surety Bonds

Prior law required registration and title companies that are authorized to file applications electronically to provide surety bonds. The act retains this requirement for licensees and increases, from $25,000 to $45,000, the total amount of surety bonds they must provide.

Registration and title companies authorized under prior law had to provide surety bonds in the following amounts: (1) $20,000 as security for monetary loss that DMV suffers as a result of the licensee's loss, destruction, or misuse of the license plates the department assigned the licensee and (2) $5,000 as security for monetary loss DMV suffers because the licensee failed to remit registration and title fees (Conn. Agencies Regs., § 14-15d-3(b) & (c)).

The act codifies these bond requirements and, in addition to the bonds described above, requires licensees to furnish another $20,000 bond conditioned on the licensee complying with applicable state and federal laws and regulations and provided as indemnity for any losses a customer sustains because the licensee did not comply with these laws or regulations. This bond must be executed in the name of the state for the benefit of any aggrieved customer, but the penalty of the bond may only be imposed on the DMV commissioner's order after a hearing.

The act requires DMV to assess a $200 administrative fee against any electronic issuance licensee that fails to show proof of bond renewal or replacement before an existing bond expires.

License Plate Inventory

Under the act, as under prior law, DMV must issue to each licensee an inventory of license plates and other materials related to registration and title transactions. The company is responsible for all the license plates DMV assigns to it. The act specifies that licensees may use the plates and materials only for registration and title transactions.

The act specifically requires electronic issuance licensees who stop doing business to return license plates, title and registration materials, and any applications that it did not act on or complete. The licensee must do so within five business days of the license becoming invalid or the business terminating. Violations are infractions.

Submission of Applications to DMV

As under existing law for registration and title companies, electronic issuance licensees must submit registration and title applications, along with necessary documents, within 10 days after electronically issuing a registration or title. The act specifies that if the licensee fails to provide DMV with the necessary documents, the department may not process the received documents and must inform the licensee that it failed to submit a completed application.

Consumer Protections and Required Disclosures

The act establishes various consumer protections for customers of electronic issuance licensees. It caps the fee that licensees may charge their customers at $25 for each registration or title application.

Under the act, a licensee may not (1) include the words "Department of Motor Vehicles" or "DMV" or another indication of the department in their business name or (2) act in any way that misleads customers to believe that the licensee represents or otherwise is affiliated with the department.

The act also requires electronic issuance licensees to give customers a disclosure form as the commissioner prescribes. The form must state (1) the fee that the licensee charges for filing registration and title applications, (2) that the licensee is not affiliated with the department, (3) information on how the customer may file complaints about the licensee with DMV, and (4) any other information DMV requires. Licensees must require customers to acknowledge the information by signing the form.

Penalty

The act allows DMV, after notice and opportunity for a hearing, to impose a civil penalty of up to $2,000 for violations of the electronic issuance license laws, except for violations of the laws on (1) returning license plates and other materials, (2) timely submitting registration and title applications, (3) disclosure forms, and (4) the application fee cap.

§ 4 — MOTOR VEHICLE TRANSPORTER REGISTRATION

Imposes a late fee for failing to timely renew a transporter registration and prohibits DMV from renewing one 45 days after expiration

By law, motor vehicle transporters must annually renew their registrations by the last day of March. The act imposes a $100 late fee for motor vehicle transporters that fail to renew their registration before expiration. It also prohibits the commissioner from renewing any transporter's registration once it has been expired for more than 45 days. After that timeframe, a person or entity would have to file an application for a new license.

§ 5 — DEALER AND REPAIRER BACKGROUND CHECKS

Modifies the requirements for fingerprinting and background checks for applicants for a new or renewed motor vehicle dealer's or repairer's license

The act modifies the requirements for fingerprinting and background checks for applicants for a new or renewed motor vehicle dealer's or repairer's license. Prior law required applicants to be fingerprinted and undergo a state and national criminal history records check no more than 30 days before submitting the application and submit the results of the check to DMV. The act eliminates the specified timeframe and no longer requires the applicant to submit the results of the check to DMV.

§ 6 — MOTOR VEHICLE RECYCLERS' SURETY BONDS

Requires motor vehicle recyclers to furnish a $25,000 surety bond

The act imposes a surety bond requirement on motor vehicle recyclers, as is the case under existing law for other DMV-licensed businesses (e.g., dealers and repairers). Applicants seeking a new license or renewing one must furnish a $25,000 surety bond, conditioned on the applicant or licensee complying with any state or federal law or regulation relating to the business of operating a motor vehicle recycler's yard and provided as indemnity for customers' losses due to licensee actions that constitute grounds for license suspension or revocation or the licensee going out of business. This bond must

be executed in the name of the state for the benefit of any aggrieved customer, but the penalty of the bond may only be imposed on the DMV commissioner's order after a hearing.

The act requires DMV to assess a $200 administrative fee against any motor vehicle recycler that fails to show proof of bond renewal or replacement before an existing bond expires.

§§ 7-9 — COMMERCIAL DRIVING SCHOOLS AND INSTRUCTORS

Increases the surety bond amount for driving schools to $50,000 per location, requires driving instructors to wear ID badges while providing instruction, and makes other changes related to driving school and instructor licensees

Surety Bond Increase

Under DMV regulations, commercial driving schools must provide a cash deposit or surety bond to the commissioner in the amount of $15,000 per location (i.e., place of business), up to $100,000 per driving school license (Conn. Agencies Regs., § 14-78-22). The act instead sets the required surety bond amount for driving schools at $50,000 per location with no cap. As under existing law, boards of education and public, private, or parochial schools conducting a driver education course according to state law are exempt from the surety bond requirement.

By law, these bonds are conditioned on the licensee's faithful performance of any contract to provide instruction and held by DMV to satisfy any execution issued against a school for its failure to adhere to the contract.

School License Requirements and Additional Locations

The act explicitly allows a driving school licensee to operate a school at an additional place of business, as long as they hold a license to operate at that location and comply with the state driving school laws. (Existing law implies this requirement by setting license fees for additional locations, and the department requires each location to be licensed in practice.)

Instructor ID Badges and Background Checks

The act requires licensed driving instructors or master instructors to wear an ID badge at all times when providing classroom or behind-the-wheel instruction. The employing driving school must issue the badge, which must contain the (1) licensee's name, photo, and license number; (2) license expiration date; and (3) driving school's name.

The act also requires instructor and master instructor licensees to be fingerprinted and undergo a state and national criminal history records check before their license is renewed. Under current regulations, applicants for renewal only have to undergo a state criminal records check (Conn. Agencies Regs., § 14-78-51). Under existing regulations and the act, applicants must also undergo a state child abuse and neglect registry check.

The act also requires renewal applicants to provide the same evidence they had to when applying initially, such as evidence that they held a driver's license for the past five years, passed a physical exam, and completed the required instructor training.

Schools' Responsibility for Instructors

The act also specifies that a school employing a licensed instructor or master instructor is responsible for ensuring that they comply with driving school and driving instructor statutes and regulations (including that the instructor wears his or her ID badge).

Expired Licenses

By law, DMV is prohibited from renewing a driving school license, a driving instructor license, or a master instructor license if it has been expired for more than 60 days. The act explicitly allows the holder of one of these expired licenses to apply for a new license.

Penalties

By law, the DMV commissioner may suspend or revoke a license or impose a civil penalty (up to $1,000 per violation) on any person or business that violates the driving school or instructor laws after notice and an opportunity for a hearing. The act explicitly allows him to impose these penalties for violations of the associated regulations.

The act also expands the commissioner's authority to require that restitution be made to a customer. Under existing law, he could require a licensee to do so; under the act, he may also require this of unlicensed people or firms.

§ 10 — ALTERED, COMPOSITE, GREY-MARKET, AND SALVAGE VEHICLES

Requires that salvage vehicles be inspected by DMV-authorized repairers rather than DMV and defines the different categories of altered vehicles that must be inspected before titling and registering them

Prior law established inspection requirements for vehicles that were (1) reconstructed (i.e., materially altered from the original by removing, adding, or substituting essential parts); (2) composed from several parts of other vehicles; (3) altered enough that the vehicle no longer bears the characteristics of a specific make of motor vehicle; or (4) declared a total loss by an insurance carrier and subsequently reconstructed.

The act instead breaks these vehicles out into four defined categories and indicates the inspection requirements for each. Principally, it changes who must inspect vehicles reconstructed after being declared a total loss by an insurer.

Categories

The act defines four types of vehicles: altered vehicles, composite vehicles, grey-market vehicles, and salvage vehicles.

An "altered vehicle" is one that has been materially modified from its original construction by removing, adding, or substituting essential parts with new or used parts.

A "composite vehicle" is one that (1) is composed or assembled from several parts of other vehicles; (2) is assembled from a motor vehicle kit; or (3) has been altered, assembled, or modified from the original manufacturer's specifications.

A "grey-market vehicle" is one that is manufactured for use outside of the United States, imported into it, and not certified to meet federal safety or emissions standards at the time the vehicle was manufactured.

A "salvage vehicle" is one that was declared a total loss by an insurance carrier and subsequently reconstructed.

Inspection Requirements

Existing law requires the vehicles generally falling under these four defined categories to be inspected to determine whether they are properly equipped and in good mechanical condition before they can be titled and registered. Under prior law, DMV had to conduct all of the inspections. The act instead requires that inspections of (1) altered, composite, and grey-market vehicles be performed at DMV (at an office the commissioner designates) and (2) salvage vehicles be performed by DMV-authorized licensed dealers or repairers.

The act also eliminates a prior requirement that DMV determine whether vehicles presented for inspection were in the possession of their lawful owner. But it retains a provision authorizing the commissioner to require someone presenting an altered, composite, grey-market, or salvage vehicle for inspection to show proof of lawful purchase of any major component parts that were not part of the vehicle when sold by the manufacturer.

EFFECTIVE DATE: July 1, 2024

§§ 11-32 & 39 — MINOR AND TECHNICAL CHANGES

Makes numerous minor and technical changes, principally to change references to "commercial driver's instruction permit" to "commercial learner's permit," conforming to the term used in federal law

The act makes numerous minor and technical changes. It updates school bus terms to eliminate references to Type I and Type II school buses and instead refer to them by gross vehicle weight rating. It also updates an obsolete reference to the former Department of Public Safety.

Additionally, the act changes references to "commercial driver's instruction permit" to "commercial learner's permit," conforming to the term used in federal law. It specifies that commercial driver's instruction permits DMV issued before October 1, 2024, are valid until they expire.

EFFECTIVE DATE: October 1, 2024, except for the provisions updating school bus terms and replacing an obsolete reference, which take effect July 1, 2024.

§§ 33-36 — LOW-SPEED VEHICLES

Generally allows the operation of "low-speed vehicles" on roads with speed limits up to 25 mph and makes them "motor vehicles" under state motor vehicle laws (i.e., Title 14), generally subjecting them to the same requirements as other vehicles under these laws

The act generally allows the operation of "low-speed vehicles" (LSVs) on highways (i.e., public roads) in the state with speed limits of 25 mph or less. Under the act and federal regulations, an LSV is a four-wheeled motor vehicle that has a (1) speed attainable in one mile of more than 20 mph but not more than 25 mph on a paved, level surface and (2) gross vehicle weight rating less than 3,000 pounds.

Under the act, LSVs are "motor vehicles" under state motor vehicle laws (i.e., Title 14 of the General Statutes). This means, among other things, that LSVs must be registered, titled, and insured; their drivers must hold a valid driver's license; and businesses selling or repairing them must hold dealer or repairer licenses, respectively. Previously, DMV did not register LSVs, and they could not be driven on public roads. The act prohibits DMV from issuing a title for a homemade LSV or a golf cart that has been retrofitted from the original manufacturer's specifications in an attempt to qualify as an LSV.

The act allows the Office of the State Traffic Administration and local traffic authorities to prohibit or limit LSV use on roads under their jurisdictions. It also requires that LSVs meet state motor vehicle equipment standards, except for those that are inapplicable to, or inconsistent with, the federal motor vehicle safety standards for LSVs (see *Background — Federal Motor Vehicle Safety Standards for LSVs*). Violations of the road restrictions or equipment requirements are infractions (see Table on Penalties).

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2024

Background — Federal Motor Vehicle Safety Standards for LSVs

Under federal regulations, LSVs must satisfy certain requirements under specified testing conditions and be equipped with the following:

1. headlights, turn signals, tail lights, and brake lights;
2. reflex reflectors;
3. an exterior mirror on the driver's side and either an exterior mirror on the passenger's side or an interior mirror (in addition to meeting other specified rear visibility requirements);
4. a parking brake;
5. a windshield meeting federal standards on glazing materials;
6. a vehicle identification number (VIN) meeting federal requirements;
7. a seatbelt assembly meeting federal requirements; and
8. a pedestrian alert sound (49 C.F.R. § 571.500).

§ 37 — TOWING OCCUPIED VEHICLES

Prohibits a licensed wrecker from knowingly allowing any person to occupy a vehicle while it is being towed

The act prohibits a licensed wrecker from knowingly allowing any person to occupy a vehicle while it is being towed. As is the case under existing law for other provisions related to wreckers' towing and transporting of motor vehicles, a violation of this provision is (1) an infraction for a first offense and (2) a class D misdemeanor for subsequent offenses (see Table on Penalties).

§ 38 — SCHOOL BUS IDLING

Requires the DMV commissioner, by September 1, 2024, to review, and amend or revise if needed, any regulations or policies on inspecting school buses to ensure they promote adherence to anti-idling laws

The act requires the DMV commissioner, by September 1, 2024, to review, and amend or revise if needed, any regulation, internal procedure or policy, or other guidance DMV provides to school bus owners and operators on operating and inspecting school buses. Specifically, he must do so to ensure that these regulations and policies (1) promote adherence to the state's anti-idling law for school buses and the Department of Energy and Environmental Protection's (DEEP) air quality regulations related to idling and (2) do not explicitly or implicitly require a school bus to idle for more than three minutes during its daily vehicle inspection. (The anti-idling law generally prohibits school bus operators from idling their buses for more than three consecutive minutes and DEEP regulations similarly prohibit this for all vehicles; however, both allow certain exceptions.)

The act additionally requires the commissioner, by September 1, 2024, to (1) give guidance to school bus owners and operators on which aspects of a daily vehicle inspection can be done with the engine off and (2) post the guidance on DMV's website.

EFFECTIVE DATE: Upon passage

§ 40 — SCHOOL BUS SEAT BELTS

Reestablishes and makes permanent a DMV school bus seat belt pilot program to provide 50% sales tax refunds for purchases of buses equipped with three-point seat belts

Starting October 1, 2025, the act reestablishes and makes permanent a DMV school bus seat belt pilot program that ended on December 31, 2017. The program helps pay for school buses with three-point lap and shoulder seat belts by refunding school bus companies (i.e., "private carriers") half the sales tax they pay for buses on which these seat belts were installed during manufacture. Program funding comes from the existing school bus seat belt account, which is a non-lapsing General Fund account funded by a portion ($50) of each DMV fee collected for restoring suspended licenses and registrations (CGS § 14-50b).

The act allows (1) school districts to apply to DMV, on a form the department provides, beginning October 1, 2025, and (2) bus companies to receive sales tax reimbursements from DMV for buses they purchase on or after this date, depending on the department's approval of the application and funding availability from the account. Under the act, the restarted program is generally unchanged, except for a new requirement that DMV, in collaboration with the Department of Education, annually inform school districts about the program and how to apply.

The act also (1) requires the Transportation and Education committees to hold a joint public hearing on program participation and effectiveness during the 2030 legislative session (a public hearing was similarly required for the pilot program) and (2) eliminates an obsolete provision requiring these committees to recommend whether to continue the program.

Lastly, the act makes technical and conforming changes.

EFFECTIVE DATE: January 1, 2025

School Bus Seat Belt Program and Account

The school bus seat belt pilot program was active from July 1, 2011, to December 31, 2017. Under the program, school districts' applications to DMV must include a proposed agreement between the district and the school bus company contracted to transport the district's students. The agreement must (1) require that the company provide the school district with between 1 and 50 school buses, each equipped with three-point lap and shoulder seat belts, and (2) include a request by the company for funding.

Participating school districts must (1) give the parents or legal guardians of each student who uses a school bus written notice about the availability and proper use of the seat belts and (2) teach students how to properly use the seat belts, including fastening and unfastening them. The participating school districts, school bus companies, and school bus operators are exempt from liability for injuries caused solely by a student's use, misuse, or failure to use a seat belt installed under the program.

The program is funded by the school bus seat belt account, which has remained funded since its creation in 2010, even after the pilot program ended in 2017. The legislature transferred school bus seat belt account funds to the General Fund in several budget and deficit mitigation acts between 2012 and 2017.

§ 41 — WEIGHT TOLERANCE EXEMPTION FOR ELECTRIC COMMERCIAL VEHICLES

Grants a weight tolerance exemption to primarily electric commercial motor vehicles driving on any road in the state, allowing them to exceed the state's various vehicle weight limits by up to 2,000 pounds; under federal law, the state must already provide this exemption when these vehicles are on the interstates and certain roads near them

The act grants a weight tolerance exemption to primarily electric commercial motor vehicles traveling on any road in the state, allowing them to exceed the state's various vehicle weight limits by up to 2,000 pounds. Among other things, this increases the general maximum gross weight for these electric commercial vehicles from 80,000 pounds to 82,000 pounds. This exemption already applies to these vehicles when traveling on interstate highways and certain roads near them (see *Background — Federal Weight Exemption for Electric Commercial Vehicles*).

The act specifically requires officials and law enforcement officers who are authorized to enforce the state's vehicle weight limit restrictions to grant this exemption to any commercial motor vehicle powered primarily by electric battery. The exemption applies to the gross, total axle, total tandem, and bridge formula weight limits. Under existing law, the maximum gross vehicle weight allowed on Connecticut roads without an overweight permit is generally 80,000 pounds (subject to the requirements of the federal bridge formula weight limit). So, the act increases the maximum gross weight for electric commercial vehicles to 82,000 pounds.

The act's exemption mirrors a federal exemption that the state must already comply with for vehicles on interstate highways. (Electric-powered units (i.e., truck tractors) on commercial vehicles are heavier than diesel-powered units because of the battery weight. Subject to the same weight limits, electric-powered tractor-trailers cannot carry as much cargo as diesel-powered ones.)

EFFECTIVE DATE: July 1, 2024

Background — Gross Vehicle Weight and Gross Vehicle Weight Rating

By law, gross vehicle weight rating (GVWR) is the manufacturer-specified maximum loaded weight of a single or combination (articulated) vehicle. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed units. "Gross weight" is a vehicle's light weight (unloaded weight) plus the weight of its load. For tractor-trailers, gross weight is the light weight of the tractor and the trailer plus the weight of its load (CGS § 14-1(41) & (42)).

Background — Federal Weight Exemption for Electric Commercial Vehicles

Federal law allows vehicles powered primarily by electric battery to exceed the weight limit on the power unit by up to 2,000 pounds, up to a maximum gross vehicle weight of 82,000 pounds (23 U.S.C. § 127(s)). Federal Highway Administration guidance specifies that, in addition to the gross weight limit, these vehicles may also exceed the limits on the power unit for the single axle, tandem axle, and federal bridge formula maximum weights, as long as the total gross vehicle weight is not over 82,000 pounds. The guidance further confirms that states must allow this additional weight for electric-powered vehicles on the interstates and on roads that provide reasonable access from the interstates to food, fuel, repairs, and rest.

§ 42 — PICK-UP TRUCK PASSENGER REGISTRATION

Makes pick-up trucks with a gross vehicle weight rating of 8,501 to 8,550 pounds eligible for a passenger registration if they are not used commercially (currently, they must be registered as combination vehicles); potentially allows them to access roads or other places that limit access by commercial traffic (e.g., state parkways)

The act makes pick-up trucks with a GVWR of 8,501 to 8,550 pounds eligible for a passenger registration if they are not used commercially (see § 41 *Background — Gross Vehicle Weight and Gross Vehicle Weight Rating*).

By law, pick-up trucks with a GVWR of 12,500 pounds or less that are not used for commercial purposes must be registered as combination vehicles, unless they fall at or under the GVWR threshold for pick-up truck passenger registration. (A combination registration is the type issued to vehicles used for both private passenger and commercial purposes.) The act increases this threshold by 50 pounds, from 8,500 to 8,550 pounds. It also requires, rather than allows, the DMV commissioner to issue a passenger registration to qualifying pick-up trucks. As under existing law, pick-up trucks pay the weight-based fee that applies to commercial vehicles, regardless of whether they are registered as passenger, combination, or commercial vehicles.

By requiring noncommercial pick-up trucks with a GVWR of 8,501 to 8,550 pounds to be registered as passenger vehicles, the act potentially allows them to access roads or other places that limit access by commercial traffic. For example, vehicles with passenger registrations are generally permitted on state parkways (i.e., the Merritt, Wilbur Cross, and Milford parkways), but state regulations prohibit vehicles with combination registrations and a gross weight above 7,500 pounds from using these parkways (Conn. Agencies Regs., § 14-298-249(f)). Under the act, these pick-up trucks may use the parkways regardless of the vehicle's gross weight because they have passenger registrations.

Lastly, the act also makes technical and conforming changes.

§§ 43-45 — ACCESSIBLE PARKING

Modifies the conditions under which a health care professional may certify an applicant for an accessible parking windshield placard; prohibits health care professionals from making fees they charge to applicants seeking certification contingent on whether or not they certify the applicants' eligibility; eliminates the requirement that the Transportation Committee House chairperson's appointment to the Accessible Parking Advisory Council be a municipal planner

The act makes changes to laws related to health care professionals' certification of eligibility for a DMV-issued accessible parking removable windshield placard. By law, applicants for windshield placards must submit certification from specified health care professionals (or certain government officials), signed under penalty of false statement, stating that the applicant (1) has a disability that limits or impairs the ability to walk, as defined under federal regulations; (2) is a veteran, as defined by state law, who has a certified, service-connected post-traumatic stress disorder and meets the federal disability definition; or (3) is legally blind.

The act requires health care professionals who certify placard applicants' eligibility to do so based on their professional opinion after completing a medically reasonable assessment of the applicant's medical history and current medical condition made in the course of a bona fide health care professional-patient relationship. It also prohibits these health care professionals from making fees they charge to placard applicants contingent on certifying that the applicant has an eligible disability and imposes a civil penalty of up to $1,000 for violations.

Under the act, a "health care professional" is a licensed physician, physician assistant, or advanced practice registered nurse; a psychiatrist employed by, or under contract with, the U.S. Department of Veterans Affairs; or an ophthalmologist or optometrist. This definition corresponds to the health care professionals already authorized to certify placard eligibility under existing law.

Separately, the act also eliminates the requirement that the Transportation Committee House chairperson's appointment to the Accessible Parking Advisory Council be a municipal planner.

Lastly, the act makes technical changes.

EFFECTIVE DATE: October 1, 2024, except the advisory council provision is effective upon passage.

Penalty for Contingent Fees and Agreements

In addition to prohibiting health care professionals from charging certain contingent fees to placard applicants (see above), the act also prohibits them from entering into a written or oral agreement or understanding with a person using their services that actually or effectively makes the professional's commissions, fees, or charges contingent on certifying that the applicant has an eligible disability.

Under the act, violators of these provisions may face a civil penalty of up to $1,000, and the attorney general, after receiving a complaint from the DMV commissioner, must institute a civil action to recover the penalty in the Superior Court for the Hartford judicial district.

PA 24-21—sSB 184
Transportation Committee
Judiciary Committee

AN ACT CONCERNING THE RENTING OR LEASING OF PASSENGER MOTOR VEHICLES

SUMMARY: This act explicitly allows lessors of rental motor vehicles (see BACKGROUND) to collect fees through loss of use clauses (i.e., provisions in rental contracts allowing recovery for the "loss of use" of a rental motor vehicle due to damage sustained during the contract's term) but limits the total amount they may collect. Under the act, "loss of use" is the deprivation of the lessor's use of a rental motor vehicle during the period reasonably required to repair it.

The act also modifies the circumstances under which short-term car rental companies (i.e., those renting or leasing passenger motor vehicles without drivers for periods of 30 days or less) may require customers to provide a credit or debit card. It allows them to require customers to provide proof of a credit card as a condition for renting certain large or premium vehicles, but for other vehicles, it prohibits them from requiring proof of a credit or debit card from a customer's additional driver, as long as the additional driver shows a valid driver's license and the customer shows proof of a card.

The act also makes minor and technical changes.

EFFECTIVE DATE: July 1, 2024, and the loss of use provisions apply to contracts entered into on or after that date.

LOSS OF USE LIMIT

In practice, companies offering rental cars may include loss of use clauses in rental contracts allowing them to collect a fee from the renter for the period the vehicle cannot be rented to another person, but they typically offer to waive their rights to recover the fee if the renter pays for a collision damage waiver or separate loss of use waiver. Prior law was silent on loss of use clauses in motor vehicle rental contracts.

Under the act, a motor vehicle rental contract with a loss of use clause may allow the lessor to collect up to one day of the contract's daily rental fee for every four labor hours required to repair the vehicle's damage, as long as the calculated amount does not exceed a reasonable estimate of the actual income lost for the loss of use. The act specifies that this limitation does not apply to lessors who rent or lease rental motor vehicles incidental to their principal business.

The act makes violations of its loss of use clause provisions unfair trade practices under the Connecticut Unfair Trade Practices Act (CUTPA, see BACKGROUND).

PROOF OF CREDIT OR DEBIT CARD FOR CERTAIN VEHICLES

Prior law broadly prohibited short-term car rental companies from requiring a customer to show proof of a credit card as a condition for renting a vehicle, but they could require customers seeking to rent with cash to apply for advanced approval, show suitable identification, and leave a reasonable deposit. Prior law did not address what a company could require from a customer's additional drivers as a condition for rental.

The act allows these companies to require proof of a credit card to rent (1) passenger motor vehicles classified as full-size elite, premium, premium elite, luxury, luxury elite, oversize, or special by ACRISS (i.e., the Association of Car Rental Industry System Standards) or a successor organization, or (2) sport utility vehicles (SUVs) designed to transport six or more people. The companies must continue to rent vehicles in other categories (e.g., economy, compact, standard) without requiring proof of a credit card as under existing law.

The act also prohibits these companies from requiring a customer's additional driver to show proof of a credit or debit card, as long as the additional driver shows a valid driver's license and the customer shows proof of his or her own card. This applies to passenger motor vehicles other than (1) those classified as full-size elite, premium, premium elite, luxury, luxury elite, oversize, or special or (2) SUVs designed to transport six or more people.

BACKGROUND

Rental Motor Vehicle

By law, a "rental motor vehicle" is a private passenger motor vehicle, as defined under insurance law, that is not the subject of a lease with the option to purchase where the lessee has the right to possession. A "private passenger motor vehicle" is a (1) private passenger-type automobile; (2) station wagon-type automobile; (3) camper-type motor vehicle; (4) high mileage-type motor vehicle; (5) truck-type motor vehicle with a load capacity of 1,500 pounds or less, registered as a passenger motor vehicle or passenger and commercial (combination) motor vehicle, or used for farming; or (6) vehicle with a commercial registration. It excludes a motorcycle or motor vehicle used as a public or livery conveyance (CGS § 38a-363(e)).

CUTPA

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the Department of Consumer Protection commissioner, under specified procedures, to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than $10,000, impose civil penalties of up to $5,000**,** 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.

PA 24-40—sHB 5330
Transportation Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF TRANSPORTATION AND CONCERNING CAPITAL PROJECTS, NOTICE OF PROPOSED FAIR AND SERVICE CHANGES, THE CONNECTICUT AIRPORT AUTHORITY, AUTOMATED TRAFFIC SAFETY ENFORCEMENT, ROAD SAFETY AUDITS, PARKING AUTHORITIES, A SHORE LINE EAST REPORT AND THE SUBMISSION OF REPORTS AND TEST RESULTS REGARDING IMPAIRED DRIVING

TABLE OF CONTENTS:

§§ 15-17 & 42-50 — AUTOMATED ENFORCEMENT

Restarts and makes permanent DOT's work zone speed camera program (which was initially established as a pilot program and ended on December 31, 2023); expands the permissible locations and makes other changes from the pilot program; modifies speed and red light camera provisions related to data retention and leased vehicles

§ 18 — DOT CAPITAL PROJECTS INFORMATION

Requires DOT to develop and maintain an interactive map on its website that displays the location of and certain information on its active construction capital projects

§ 19 — PROPOSED FARE AND SERVICE CHANGES

Requires DOT to provide notice about public hearings on proposed major service changes to commuter rail service to the Transportation and Finance, Revenue and Bonding committees and the Connecticut Public Transportation Council; requires DOT to provide notice about public hearings related to fare changes for mass land transportation to the council, in addition to these legislative committees as existing law requires

§§ 20-40 — VERTIPORTS AND UNMANNED AIRCRAFT

Defines "vertiports" and "unmanned aircraft" and regulates them under various existing aeronautics statutes; expands CAA's authority to generally cover unmanned aircraft regulation; prohibits operating unmanned aircraft in close proximity above a private premises without the owner's approval

§ 41 — ALCOHOL SALES AT BRADLEY AIRPORT

Modifies the hours when alcohol sales are allowed at Bradley Airport to every day after 4:00 a.m. and until 11:00 p.m.

§ 51 — DOT ROAD SAFETY AUDITS

Requires DOT to develop a process allowing a municipality's chief executive officer, local traffic authority, or regional council of governments to ask it to do an RSA of a state highway and sets requirements for this process

§ 52 — PARKING AUTHORITIES AND MUNICIPAL PARKING REGULATIONS

Allows any municipality to adopt an ordinance authorizing its parking authority to enforce municipal parking regulations, rather than only Hartford as under prior law

§ 53 — SHORE LINE EAST SERVICE RESTORATION

Requires DOT, by January 1, 2025, to report to the Transportation Committee on five alternatives for restoring Shore Line East service and the cost for each

§ 54 — INCIDENT REPORTS AND THE ADMINISTRATIVE PER SE PROCESS

Extends, from within three business days to within six business days after an incident, the timeframe during which a police officer must prepare and send DUI incident reports and related chemical test results to DMV under the administrative per se license suspension process

SUMMARY: This act, among other things, makes various changes in transportation-related laws, including modifying provisions on automated enforcement. It also extends the timeframe during which a police officer must transmit driving under the influence (DUI) incident reports to the Department of Motor Vehicles (DMV) under the administrative per se license suspension process. Additionally, the act defines "vertiports" and "unmanned aircraft" (i.e., drones) and regulates them under various existing aeronautics statutes. Lastly, the act makes various minor, technical, and conforming changes. A section-by-section analysis follows.
EFFECTIVE DATE: Various; see below.

§ 1 — VIOLATIONS OF TRAFFIC CONTROL AND ROAD SAFETY ORDERS

Increases, from $5,000 to $10,000, the maximum fine for not complying with certain orders related to traffic control and road safety

The act increases, from $5,000 to $10,000, the maximum fine for any person, firm, or corporation that does not comply with certain orders related to traffic control and road safety (e.g., Office of the State Traffic Administration (OSTA) orders related to major traffic generating developments (see § 2) or local traffic authorities' orders related to traffic control devices). As under existing law, a violator is also subject to imprisonment of up to 30 days and can have his or her driver's license or vehicle registration suspended or revoked.
EFFECTIVE DATE: October 1, 2024

§§ 2-5 — MAJOR TRAFFIC GENERATING DEVELOPMENTS

Requires OSTA to order local building officials to revoke building or foundation permits for major traffic generating developments that do not have an OSTA certificate

Under existing law, individuals and entities building, expanding, establishing, or operating a major traffic-generating development (i.e., one with at least 100,000 square feet of floor area or at least 200 parking spaces; see Conn. Agencies Regs., § 14-312-1) generally must get an OSTA certificate. Local building officials may not issue a (1) building or foundation permit to these individuals or entities until they show their certificate and (2) certificate of occupancy for these developments until the OSTA certificate's conditions have been met. Under the act, if OSTA determines that a local building official issued a building or foundation permit to an individual or entity that does not have a certificate, it must order the building official to revoke the permit.

The act also makes (1) related technical changes and (2) a conforming change applying the same requirement to major traffic-generating developments that consist of separately owned parcels.
EFFECTIVE DATE: July 1, 2024

§ 6 — BICYCLE-CONTROL SIGNALS

Allows the use of bicycle-control signals at intersections and requires cyclists to comply with them

The act permits the use of bicycle-control signals at intersections and requires cyclists to comply with them. Under existing law, cyclists riding on the traveled portion of roads are generally subject to the same statutory duties applicable to motor vehicle drivers (CGS § 14-286a). In other words, prior law generally required these cyclists to comply with traffic control signals in the same way as vehicular traffic. Under the act, when both traffic control signals and bicycle-control signals are present at an intersection, cyclists must comply with the bicycle signals. The act also specifies that (1) this is the case for pedestrians directed by pedestrian-control signals and (2) pedestrians must comply with these signals.

Under the act, bicycle-control signals are three lens signal heads with green, yellow, or red bicycle-stenciled lenses. A green, red, or yellow bicycle indicates bicycle traffic facing the signal may proceed, must stop, or is warned in the same way as under existing law for the following traffic control signals: a green alone, red alone, or steady yellow. A flashing red or yellow bicycle indicates bicycle traffic must stop or may proceed in the same way as for a flashing red or yellow traffic control signal.

Additionally, states must comply with the federal Manual on Uniform Traffic Control Devices (MUTCD), which contains specific requirements related to bicycle signals.
EFFECTIVE DATE: July 1, 2024

§§ 7 & 8 — LOCAL TRAFFIC AUTHORITIES

Allows a municipality, by vote of its legislative body, to establish a new LTA replacing the entity currently designated as one

The act allows municipalities to create a separate entity to serve as their local traffic authority (LTA) instead of the board of police commissioners or another entity existing law prescribes. It allows them to do this regardless of any contrary provisions in a municipality's charter, special act, or home rule ordinance.

Under the act, any municipality, by vote of its legislative body, may establish an LTA and appoint one or more members

to serve on it. The municipality's legislative body also sets the qualifications, terms, and compensation, if any, of these members. An LTA created through this process replaces the entity currently filling this role in the municipality and has all the powers and duties the law assigns to LTAs (see *Background — Authority of Local Traffic Authorities*).

As shown in the table below, existing law designates different local bodies or officials to serve as a municipality's LTA, depending mainly on whether the municipality has a board of police commissioners. OSTA is the traffic authority for state roads and bridges and has authority over certain elements specified in law (e.g., traffic control signals).

Entities Existing Law Designates as Local Traffic Authorities

Jurisdiction	*Designated Entity*
City, town, or borough with police commissioners	Board of police commissioners
City, town, or borough without police commissioners, but with a regularly appointed police force	City or town manager, police chief, police superintendent, or any elected or appointed official or board with similar powers and duties
Town without a city or borough that has a regularly appointed police force	Board of selectmen

EFFECTIVE DATE: July 1, 2024

Background — Authority of Local Traffic Authorities

For streets under their jurisdiction, the law generally gives LTAs authority (in some cases only with OSTA approval) to, among other things, (1) place and maintain traffic control signals, signs, markings, and other safety devices following OSTA regulations (CGS § 14-298); (2) set speed limits on roads and bridges, under certain conditions (CGS § 14-218a); (3) designate school zones (in which fines for certain violations may be doubled) and pedestrian safety zones (CGS §§ 14-212b & -307a); (4) designate one-way streets (CGS § 14-303); (5) allow golf carts to be driven on streets during daylight hours (CGS § 14-300g); and (6) adopt regulations necessary to exercise their authority (CGS § 14-312).

§ 9 — VARIABLE SPEED LIMITS

Allows DOT to set variable speed limits (i.e., temporarily lower the posted speed limit) on limited-access highways to address traffic, construction, or other safety conditions

The act allows the Department of Transportation (DOT) to set variable speed limits (i.e., temporarily lower the posted speed limit) on limited-access highways or portions of them. It may do so to address traffic congestion, road construction, or other conditions affecting safe and orderly traffic movement. Under the act, a variable speed limit must be (1) based on an engineering investigation; (2) no less than 10 mph below the posted speed limit; and (3) effective when it is posted and accompanied by a sign, between 500 and 1,000 feet before the point at which it takes effect, notifying drivers about the speed limit change. The act requires DOT to use stationary or portable, changeable message signs to post this notice. (The federal MUTCD contains various standards related to variable speed limits and related signs; federal law and regulation require DOT to comply with MUTCD standards.)

The act's variable speed limit provisions replace a provision of prior law allowing DOT to modify limited-access highway speed limits during weather events or emergencies with electronic signs.

EFFECTIVE DATE: October 1, 2024

§ 10 — BUS FACILITY ADVERTISEMENTS

Generally allows advertising signs, displays, or devices to be erected within 660 feet of the interstate and other limited-access highways in connection with bus facilities, subject to DOT approval and related regulations

The law generally prohibits erecting billboards and advertising signs within 660 feet of the edge of the interstate and other limited-access highways. However, the DOT commissioner may allow certain types of signs subject to its regulations, such as directional and other official signs.

The law also makes an exception for advertising signs, displays, or devices located on, built on, or abutting property

in areas owned, managed, or leased by a public authority for (1) railway or rail infrastructure facilities and certain associated structures; (2) bus rapid transit corridors and associated shelters, structures, or facilities; (3) airport development zones; or (4) any other transit or freight purpose. The act adds bus facilities to these exceptions.

As under existing law, these advertisements cannot be built where state law, local ordinance, or zoning regulations prohibit them.

EFFECTIVE DATE: July 1, 2024

§ 11 — MODERNIZING AND MAINTAINING BUS STOPS AND SHELTERS

Specifies that existing law's requirement, beginning on July 1, 2024, for bus stops and shelters constructed by DOT or transit districts to comply with the ADA and certain plans developed by these entities applies only to those that are newly built on and after that date

By law, beginning July 1, 2024, each bus stop or shelter constructed by DOT or a transit district must be (1) built according to certain modernization and maintenance plans the department must jointly develop with transit districts and (2) compliant with the federal Americans with Disabilities Act's (ADA) physical accessibility guidelines. The act specifies that these requirements apply only to new bus stops or shelters built on and after that date.

EFFECTIVE DATE: July 1, 2024

§§ 12 & 13 — FARE ENFORCEMENT ON PUBLIC BUSES

Allows employees of DOT and certain third-party contractors with fare inspection duties to issue citations to people who deliberately ride public buses without paying the required fare, rather than specifically requiring these citations to be issued by employees that are "fare inspectors," as under prior law

Under prior law, "fare inspectors" were commissioner-designated DOT employees or DOT third-party contractors responsible for inspecting passengers' tickets, passes, or other documentation on state-owned or -controlled public buses to prove the passenger paid the required fare (i.e., "fare inspection duties"), when all or part of the fare must be paid before boarding. Fare inspectors were authorized to issue citations to people who deliberately ride these buses without paying the required fare.

The act instead allows DOT employees or third-party contractors with fare inspection duties to issue these citations, eliminating reference to the specific "fare inspector" job title.

Under existing law, unchanged by the act, it is an infraction for a person to ride a state-owned or -controlled public bus while intentionally not paying the required fare (see Table on Penalties).

EFFECTIVE DATE: July 1, 2024

§ 14 — METRO NORTH INDEMNIFICATION

Specifies that the DOT commissioner can only indemnify Metro North Railroad against certain claims when it is acting in its capacity as the state's contracted maintainer of the M-8 rail car fleet

Existing law allows the DOT commissioner, if he finds it is in the state's best interest, to indemnify and hold harmless Metro North Railroad against claims brought by the National Railroad Passenger Corporation (Amtrak) or other third parties against Metro North related to M-8 rail car operation on Amtrak property, as long as the indemnification does not relieve Metro North of liability for its willful or negligent acts or omissions.

The act specifies that the commissioner can do so only when Metro North is acting in its capacity as the state's contracted maintainer of the M-8 rail car fleet.

EFFECTIVE DATE: July 1, 2024

§§ 15-17 & 42-50 — AUTOMATED ENFORCEMENT

Restarts and makes permanent DOT's work zone speed camera program (which was initially established as a pilot program and ended on December 31, 2023); expands the permissible locations and makes other changes from the pilot program; modifies speed and red light camera provisions related to data retention and leased vehicles

The act restarts and makes permanent DOT's work zone speed camera program. The program was initially established

as a pilot under PA 21-2, June Special Session, and ended on December 31, 2023. The act generally retains the pilot program's provisions on vendors, speed camera placement and operation, ticket issuance and processing, and data retention and privacy, but it makes the following changes, among others:

1. expands the permissible locations for work zone speed cameras;
2. lowers, from at least 15 mph to at least 10 mph, the amount by which a vehicle must exceed the posted speed limit in a work zone in order to be issued a warning or ticket;
3. modifies the fine structure and requires that a fine be issued for a first violation if the vehicle's detected speed is 85 mph or more;
4. requires notice to a municipality's chief elected official before operating speed cameras in the municipality; and
5. requires DOT to annually report certain information on the program.

The act also modifies the penalty and data retention provisions applicable to municipal speed and red light camera programs enacted under PA 23-116, §§ 10-14 & 16-18. Generally, it specifies when a violation is considered a second or subsequent violation, which may be subject to higher penalties, and allows municipalities or their vendors to retain data necessary to impose the penalties.

EFFECTIVE DATE: July 1, 2024

Work Zone Speed Cameras

Permissible Locations. The act expands the types of roads where DOT may operate speed cameras and increases the number of places where they may operate at any one time. Under the pilot program, cameras could be placed on limited-access highways in up to three locations at one time. Under the act, cameras may be used in up to 15 highway work zones on any highway (i.e., public road). But the act retains the provision limiting the use of speed cameras to roads with speed limits of at least 45 mph.

Notice Requirements. The act requires DOT or a work zone speed camera operator to give written notice of the date work zone cameras will start operating in a given work zone to the Division of State Police and the chief executive officer of a municipality where the cameras will be located. DOT or the operator must give this notice at least two days before the cameras begin operating. Under the pilot program, DOT or the operator had to certify to the State Police when work zone speed cameras were operating, but there was no requirement that they do so in advance.

The act retains public notice requirements from the pilot program. Specifically, in order to use speed cameras in a work zone, there must be at least two conspicuous signs placed at a reasonable distance ahead of the zone, and one of these signs must indicate whether the cameras are currently in use. DOT must also post on its website the locations where work zone speed cameras are operating.

Violations. Under the pilot program and the act, speed cameras in work zones detect vehicles exceeding the speed limit by a specified amount, and the State Police review camera images and issue warnings and tickets as appropriate.

Vehicle owners could be ticketed or issued a warning under the pilot program if they exceeded the posted speed limit in a work zone by 15 mph or more. The act lowers this amount to 10 mph or more for the permanent program. As under the pilot program, speed cameras in work zones record only vehicles exceeding the speed limit by this amount.

Penalties. Under the pilot program, vehicle owners were issued a written warning for their first violation detected by a work zone speed camera. The act generally retains this requirement from the pilot program except that it imposes a $75 fine for a first violation if the vehicle's detected speed is 85 mph or more. (By law, driving more than 85 mph is considered reckless driving (CGS § 14-222).)

The act also creates a single fine tier for second and subsequent violations detected by work zone speed cameras. Under the pilot program, a second violation was subject to a $75 fine and a subsequent violation was subject to a $150 fine. The act makes the fine amount $75 for all second and subsequent violations. It also specifies that second and subsequent violations are those that occur within one year after the owner's most recent violation, and subsequent violations occurring after that period are considered first violations. As under the pilot program, fine revenue goes to the Special Transportation Fund.

Under the pilot program and the act, vehicle owners are generally responsible for violations committed in the vehicle and liable for any fine imposed under the program unless the driver received a citation from a police officer at the time of the violation. The act retains these provisions but specifies that a lessee is considered the vehicle owner if the vehicle is leased for more than 30 days.

Under the pilot program, if a vehicle owner failed to pay a fine, DMV could suspend the registration of the vehicle used to commit the violation or refuse to register it. The act additionally allows DMV to do so if the vehicle owner fails to (1) pay any additional fee associated with the violation, (2) submit a plea of not guilty by the answer date, or (3) appear for a scheduled court appearance.

Annual Report. The act requires DOT to annually report to the Transportation Committee on the work zone speed camera program starting by February 1, 2026. The report must include the following information from the preceding calendar year:

1. the number of warnings and violations issued by each operational speed camera;
2. the number of warnings and violations where the vehicle exceeded the speed limit by (a) 11-20 mph, (b) 21-30 mph, (c) 31-40 mph, and (d) 41 mph or more;
3. the number of crashes that happened in each work zone where a speed camera was operating;
4. the amount of fine revenue received and DOT's costs for using the cameras;
5. the number of motor vehicles that committed one violation, two violations, three violations, or four or more violations;
6. a list of engineering and education measures that DOT implemented to improve safety in work zones that have operating speed cameras;
7. descriptions of situations where work zone speed camera images could not be or were not used; and
8. the number of leased or rented motor vehicles, out-of-state vehicles, or other vehicles (including trucks) where enforcement efforts were unsuccessful.

Municipal Speed and Red Light Camera Changes

Fines for Subsequent Violations. By law, municipalities implementing speed or red light cameras may set fines for violations the cameras detect, but the fines cannot be more than $50 for a first violation or $75 for a second or subsequent violation. The act specifies that (1) second and subsequent violations are those that occur within one year after the most recent violation and (2) subsequent violations occurring after that period are considered first violations. Prior law did not specify a timeframe for second and subsequent violations.

Under existing law, municipalities and vendors generally must destroy the personally identifiable information they collect in connection with enforcing speed or red light camera violations and penalties within 30 days after a fine is collected or a hearing on the alleged violation is resolved. The act creates an exception allowing a municipality or vendor to retain a portion of personally identifiable information for the limited purpose of determining whether a person committed a second or subsequent offense. The municipality or vendor must destroy any information it keeps under this exception within one year after the date of a person's most recent violation.

Leased or Rented Vehicles. By law, a vehicle's owner is generally responsible for violations committed in the vehicle. The act specifies a lessee is considered the owner if the vehicle is leased for more than 30 days.

§ 18 — DOT CAPITAL PROJECTS INFORMATION

Requires DOT to develop and maintain an interactive map on its website that displays the location of and certain information on its active construction capital projects

The act requires the DOT commissioner to develop and maintain an interactive map on the department's website that displays the location of and information on its active construction capital projects across the state. The map must (1) identify the funding source for each project, (2) aggregate the total costs of the projects by funding type and construction phase, and (3) include information and scheduled phases for the projects.

EFFECTIVE DATE: Upon passage

§ 19 — PROPOSED FARE AND SERVICE CHANGES

Requires DOT to provide notice about public hearings on proposed major service changes to commuter rail service to the Transportation and Finance, Revenue and Bonding committees and the Connecticut Public Transportation Council; requires DOT to provide notice about public hearings related to fare changes for mass land transportation to the council, in addition to these legislative committees as existing law requires

The act requires DOT, whenever it must hold a public hearing on a proposed major service change to commuter rail service according to federal requirements (see *Background — Major Service Changes to Commuter Rail Service*), to provide notice about the hearing to the (1) chairpersons and ranking members of the Transportation and Finance, Revenue and Bonding committees and (2) Connecticut Public Transportation Council (see *Background — Connecticut Public Transportation Council*). The department must do so at least 15 days before the hearing.

Existing law requires DOT to provide notice of public hearings related to fare changes for mass transportation by land

to these legislative committee leaders. The act additionally requires it to provide this notice (1) at least 15 days before a hearing and (2) to the Connecticut Public Transportation Council.
EFFECTIVE DATE: July 1, 2024

Background — Connecticut Public Transportation Council

By law, the 15-member Connecticut Public Transportation Council is charged with studying and investigating all aspects of the daily operation of commuter railroad systems and state-funded public transit services (e.g., bus transit), monitoring their performance, and recommending changes to improve their efficiency, equity, and quality. The council serves as an advocate for customers of all commuter railroad systems and state-funded public transit services (CGS §§ 13b-212b & -212c).

Background — Major Service Changes to Commuter Rail Service

Under federal requirements, DOT generally conducts a service and fare equity analysis any time fare changes or major service changes are proposed (Title VI of the Civil Rights Act of 1964 and Federal Transit Administration Circular 4702.1B). According to DOT's Public Involvement Procedures, the department conducts community outreach to give the public opportunities to provide input, which may include a combination of public hearings and community-based organization meetings.

§§ 20-40 — VERTIPORTS AND UNMANNED AIRCRAFT

Defines "vertiports" and "unmanned aircraft" and regulates them under various existing aeronautics statutes; expands CAA's authority to generally cover unmanned aircraft regulation; prohibits operating unmanned aircraft in close proximity above a private premises without the owner's approval

The act defines "vertiports" and "unmanned aircraft" (i.e., drones) and regulates them under various existing aeronautics statutes.

It generally subjects vertiports to the same regulatory framework as other air navigation facilities (e.g., airports, heliports, and restricted landing areas), including requirements for facility licensure and aircraft registration, among other things. The act also generally expands the authority of the Connecticut Airport Authority (CAA) executive director to cover unmanned aircraft and allows him to adopt procedures (1) specifying where unmanned aircraft may take off and land and (2) governing their operation, unless already prohibited or regulated by federal law (see *Background — Federal Guidance on State Regulation of Unmanned Aircraft*).

The act applies certain existing statutes on investigations and reporting requirements for aircraft accidents and reckless operation to unmanned aircraft. It also prohibits any person from operating an unmanned aircraft in close proximity above a private premises.
EFFECTIVE DATE: July 1, 2024, except that the provisions on operating unmanned aircraft under the influence, CAA procedures for unmanned aircraft, and operating unmanned aircraft over private premises are effective October 1, 2024.

Vertiport Regulation

Under the act, vertiports are areas with defined dimensions, at ground level or elevated on a structure, that are designated for vertical takeoff and landing (VTOL) of aircraft and may be restricted only for this purpose. VTOL generally refers to aircraft that can take off and land vertically. (In practice, no vertiports currently exist in the state.) The act's vertiport definition is similar to existing law's definition of heliports, which are designated for helicopters. (Helicopters are generally a subset of VTOL aircraft.) Under the act, "aircraft" does not include unmanned aircraft.

Under existing law, an "air navigation facility" generally includes airports, heliports, and restricted landing areas. The act makes a vertiport an air navigation facility (§ 20) and makes various changes to incorporate vertiports into the existing statutory framework for these and similar facilities. For proposed vertiports, it requires the CAA executive director to hold a hearing on the proposal if the host town requests one (or the executive director can choose to hold one) before granting or denying approval. It also requires the executive director to grant licenses (valid for three years) for these facilities in the same way as under existing law for other air navigation facilities (§§ 23-25).

The act subjects vertiports to numerous other statutory provisions generally applicable to air navigation facilities, such as those related to complaints about landings or takeoffs by aircraft from unlicensed property (§ 28), CAA orders (§ 32), and airspace protection and runway clear zones (§§ 36 & 37). It also extends other provisions on air navigation facilities to vertiports by doing the following:

1. imposing existing law's aircraft registration requirements on aircraft based or primarily used at a vertiport in the state (§§ 21 & 22),
2. requiring vertiport owners or operators to annually report certain information about aircraft based or primarily used at their facility (§ 26),
3. authorizing the CAA executive director to cooperate with the federal government and municipalities in undertaking certain vertiport-related projects that receive federal aid (§ 27), and
4. making it a class D felony to interfere or tamper with a vertiport or related equipment (see Table on Penalties) (§ 33).

Unmanned Aircraft Regulation

Under the act, an unmanned aircraft (i.e., a drone) is a powered aircraft that (1) uses aerodynamic forces to provide vertical lift, (2) is operated remotely by a pilot in command or is capable of autonomous flight, (3) does not carry a human operator, and (4) can be expendable or recoverable. The act specifies that unmanned aircraft are not considered aircraft under the aeronautics statutes.

CAA Authority to Regulate (§§ 29 & 39). Existing law generally gives CAA's executive director broad authority to develop and promote aeronautics. This includes the authority to, consistent with aeronautics laws, issue and amend orders, make and amend regulations and procedures, and establish minimum standards that he determines are needed for protecting the (1) general public interest and safety and (2) safety of (a) people operating, using, or traveling in aircraft (including those receiving instruction) and (b) people and property on land or water. The act expands this authority to include protecting people operating or using unmanned aircraft.

The act authorizes CAA to adopt procedures (1) specifying where unmanned aircraft may take off and land, considering the public health, safety, aesthetics, and general welfare of the state, and (2) governing the operation of unmanned aircraft, unless already prohibited or regulated by federal law. It must do so in consultation with DOT, representatives from the unmanned aircraft industry, and organizations representing municipalities and first responders.

Accident Investigations (§§ 30 & 31). Existing law allows the CAA executive director to hold investigations, inquiries, and hearings about matters covered by aeronautics laws, aircraft accidents, or his orders and regulations. The act expands this authority to include "unmanned aircraft accidents."

Under the act, an "unmanned aircraft accident" is an occurrence associated with unmanned aircraft operation that takes place between when it takes off and lands, in which (1) someone dies or is seriously injured due to direct contact with the unmanned aircraft (or anything attached to it) or its operation or (2) the unmanned aircraft incurs or causes substantial damage. Existing law similarly defines an aircraft accident (i.e., one in which someone dies or is seriously injured due to being in or on the aircraft or in direct contact with it, or the aircraft receives substantial damage).

Under prior law, "substantial damage" was damage or structural failure that affects the aircraft's structural strength, performance, or flight characteristics and would normally require major repair or replacement of the affected component. The act expands this to also include (1) damage or structural failure of this type to an unmanned aircraft and (2) any damage of more than $1,000 to any person's property (this aligns with the threshold in the Uniform Aircraft Financial Responsibility Act).

Accident Reporting (§§ 30 & 34). Existing law generally requires the pilot of a civil aircraft involved in an accident described above (or the operator if the pilot is incapacitated) to immediately notify the CAA executive director or police. The act applies this requirement to operators of unmanned aircraft involved in an accident (or anyone else that caused or authorized its operation if the operator is incapacitated). Under existing law, when an accident occurs that is subject to these provisions, a written report must be filed with the executive director within 14 days. The act specifies that this is the pilot's or operator's responsibility. It also eliminates the definition of "operator" that is applicable to these provisions. (Under existing law and unchanged by the act, "operator" is also defined under the Uniform Aircraft Financial Responsibility Act and means any person who is exercising actual physical control of an aircraft.)

Additionally, the act expands to certain unmanned aircraft accidents (i.e., accidents not subject to the mandatory reporting requirement discussed above) existing law's written report requirement for aircraft accidents when the damage is not substantial. As under existing law, (1) these reports are required at the executive director's request and (2) he may investigate the accidents if he deems it advisable, or instead accept a copy of the final report by a federal investigation agency.

Reckless Operation and Operating Under the Influence (§§ 35 & 38). The act extends existing law's prohibitions on doing the following to include unmanned aircraft:

1. operating any aircraft carelessly, recklessly, or in a way that endangers people or property, having regard to the proximity of weather and field conditions, territory flown over, and other aircraft (or unmanned aircraft under the act), and
2. operating, or attempting to operate, any aircraft on the ground or in the air while under the influence of alcohol or drugs.

Violators are guilty of a (1) class C misdemeanor and (2) only for operating under the influence, class A misdemeanor for subsequent offenses (CGS § 15-100, see Table on Penalties).

Restriction on Operating Unmanned Aircraft Over a Private Premises (§ 40)

The act prohibits any person from operating, or programming to operate, an unmanned aircraft at a height of less than 250 feet over the boundaries of a private premises without the owner's prior approval. It makes violations an infraction (see Table on Penalties).

It exempts the following individuals while performing their official duties: (1) employees of the federal government, the state, or its political subdivisions; (2) public service company employees (e.g., electric distribution, gas, and telephone companies); (3) members of the U.S. or state armed forces; and (4) firefighters and police officers. This exemption also covers operating unmanned aircraft on behalf of these entities. The act also exempts people operating unmanned aircraft for commercial purposes in compliance with Federal Aviation Administration (FAA) authorization (if doing so is necessary for these purposes).

Background — Federal Guidance on State Regulation of Unmanned Aircraft

In 2023, FAA released an updated fact sheet to provide further guidance to states on the scope of federal authority over unmanned aircraft and more clearly delineate the aspects of their use that states may regulate and those which may be preempted (Updated Fact Sheet on State and Local Regulation of Unmanned Aircraft Systems, dated July 14, 2023).

According to the fact sheet, states may not regulate in the fields of aviation safety or airspace efficiency, and laws attempting to do so are preempted. However, states generally may regulate unmanned aircraft outside those fields, with certain exceptions (e.g., laws that conflict with FAA regulations or impair reasonable use of the airspace).

The fact sheet identifies categories of state laws that would likely not be subject to preemption, including laws on land use and zoning, privacy, harassment, trespassing, and exercise of police powers.

§ 41 — ALCOHOL SALES AT BRADLEY AIRPORT

Modifies the hours when alcohol sales are allowed at Bradley Airport to every day after 4:00 a.m. and until 11:00 p.m.

The act modifies the hours when alcohol sales are allowed at Bradley Airport in premises operating under a cafe permit to every day after 4:00 a.m. and until 11:00 p.m. Prior law generally allowed sales beginning after 6:00 a.m. and until (1) 1:00 a.m. on Monday through Friday and (2) 2:00 a.m. on the weekend (with certain holiday exceptions).
EFFECTIVE DATE: October 1, 2024

§ 51 — DOT ROAD SAFETY AUDITS

Requires DOT to develop a process allowing a municipality's chief executive officer, local traffic authority, or regional council of governments to ask it to do an RSA of a state highway and sets requirements for this process

The act requires DOT, by October 1, 2024, to develop (and later revise as needed) a process allowing a municipality's chief executive officer, local traffic authority, or regional council of governments to request that the department do a road safety audit (RSA) for a specific state highway. The purpose of these audits is to identify transportation safety solutions and improve motor vehicle, bicycle, and pedestrian traffic on the highway.

Under the act, the RSA process must require the DOT commissioner, within 60 days after receiving the request, to notify the requesting entity in writing about his decision whether to perform the RSA. If DOT will do one, it must coordinate with the applicable traffic authority to schedule the audit date; if not, the notice must include the reasons why. Additionally, the process must require DOT to submit RSA results to (1) the requesting entity and (2) legislators representing the municipality or municipalities where the audited state highway is located. The act requires DOT to post this process on its

website.
EFFECTIVE DATE: July 1, 2024

§ 52 — PARKING AUTHORITIES AND MUNICIPAL PARKING REGULATIONS

Allows any municipality to adopt an ordinance authorizing its parking authority to enforce municipal parking regulations, rather than only Hartford as under prior law

Under prior law, only Hartford was allowed to authorize its parking authority to enforce municipal parking regulations. By law, parking authorities are generally permitted to operate and maintain off-street parking facilities and collect and receive all the revenue from on-street parking meters.

The act allows any municipality to adopt an ordinance authorizing its parking authority to enforce municipal parking regulations. Existing law correspondingly authorizes parking authorities in a municipality that has adopted such an ordinance to enforce parking regulations according to the ordinance's terms (CGS § 7-204). Under the act, as under existing law for Hartford, the ordinance may allow the municipality to remit the funds it receives for parking violations to the authority.
EFFECTIVE DATE: July 1, 2024

§ 53 — SHORE LINE EAST SERVICE RESTORATION

Requires DOT, by January 1, 2025, to report to the Transportation Committee on five alternatives for restoring Shore Line East service and the cost for each

The act requires the DOT commissioner, by January 1, 2025, to submit a report to the Transportation Committee (1) identifying at least five alternative methods for restoring Shore Line East rail line service and (2) recommending the needed funding level to implement each alternative.
EFFECTIVE DATE: Upon passage

§ 54 — INCIDENT REPORTS AND THE ADMINISTRATIVE PER SE PROCESS

Extends, from within three business days to within six business days after an incident, the timeframe during which a police officer must prepare and send DUI incident reports and related chemical test results to DMV under the administrative per se license suspension process

By law, someone arrested for DUI is subject to administrative licensing sanctions through DMV in addition to criminal prosecution. This process is referred to as "administrative per se," and the sanctions may occur when (1) a driver refuses to submit to a blood, breath, or urine test; (2) a test indicates an elevated blood alcohol content (BAC); or (3) the officer concludes through investigation (e.g., a drug influence evaluation) that the driver was under the influence of alcohol, drugs, or both.

When any of the above circumstances occur, the arresting officer must prepare a report and send it to DMV. Prior law required that the report be prepared and sent to DMV within three business days after the incident. The act extends this timeframe to within six business days after the incident.

As under existing law, the report must be sworn to by the officer under penalty of false statement and state, among other things, the grounds for the officer's belief that there was probable cause to arrest the person for DUI and include the evidence (e.g., any chemical test results) supporting the officer's conclusion. Generally, reports prepared and sent under this law are an exception to hearsay under the rules of evidence and admissible at an administrative per se license suspension hearing without the officer's testimony (see *Background — Related Case*).
EFFECTIVE DATE: July 1, 2024

Background — Related Case

In a 2024 decision, the Connecticut Supreme Court held that failure to comply with the law's preparation and mailing timeframe (at the time, three business days) rendered a DUI incident report inadmissible in an administrative license suspension hearing in the absence of testimony from the arresting officer. The court stated that (1) the purpose of the timeframe and the other report requirements (e.g., a sworn statement) is to provide sufficient indicia of reliability so that the report may be admissible under a hearsay exemption and (2) adherence to the timeframe is mandatory for the report to

be admissible *(Marshall* v. *Commissioner of Motor Vehicles*, 348 Conn. 778 (2024)).

PA 24-14—sHB 5404
Veterans' and Military Affairs Committee
Transportation Committee

AN ACT CONCERNING MILITARY TRAINING AND EXPERIENCE AND THE DRIVER'S LICENSE ENDORSEMENT TO OPERATE FIRE APPARATUS

SUMMARY: This act requires the Department of Motor Vehicles (DMV) commissioner to waive certain Q-endorsement eligibility requirements for veterans and current members of the armed forces or National Guard ("military members") who qualify. A Q-endorsement is a license endorsement that authorizes holders to operate a fire apparatus (i.e., drive a fire truck). Under prior law, all applicants for this endorsement must have (1) been trained to drive a fire truck according to Commission on Fire Prevention and Control standards and (2) demonstrated the necessary skills (i.e., passed a driving test) on a representative vehicle, among other requirements.

To qualify for a waiver under the act, members must meet minimum federal waiver requirements for commercial driver's license (CDL) testing. This federal regulation allows states to waive the CDL knowledge test and driving skills test and sets qualifications for the waivers (see below). Under the act, the DMV commissioner must waive both the Q-endorsement training and driving test requirements for members who meet the federal requirements for either the CDL knowledge test or driving skills test waiver.

The act limits the amount of time that each veteran has to qualify for a Q-endorsement waiver. A veteran may only apply for the waiver within two years after his or her military discharge and must have met the federal waiver requirements within the two years before being discharged. (As described below, the federal waiver regulations require that applicants meet certain conditions within the prior year.)
EFFECTIVE DATE: October 1, 2024

FEDERAL CDL WAIVER REQUIREMENTS APPLIED TO Q-ENDORSEMENTS

Federal law sets rules for CDLs for interstate operation and states are generally required to conform their licensing laws to these requirements. Among other things, these rules include requiring CDL applicants to pass a knowledge test and driving skills test. However, they allow states to waive these test requirements under certain circumstances.

Federal law generally allows states to waive the CDL knowledge test requirement for military members who show that, within the year prior to applying, they:

1. were regularly employed in one of seven specified military capacities (e.g., an Air Force pavement and construction equipment operator, Army PATRIOT launching station operator, or Marine Corps motor vehicle operator);
2. operated a commercial motor vehicle representative of the type they expect to operate upon separation from the military;
3. have not held more than one civilian license at the same time; and
4. have not been convicted of certain specified motor vehicle offenses or had any license suspended or revoked (49 C.F.R. § 383.77(a)(2)).

Similarly, states may generally waive the CDL driving skills test requirement for military members who show, among other things, that they:

1. were regularly employed within the last year in a military position that required driving a commercial motor vehicle;
2. drove, for the two years prior to separating from the military, a vehicle representative of the commercial type they expect to operate upon separation from the military;
3. have not held more than one civilian license at the same time; and
4. have not been convicted of certain specified motor vehicle offenses or had any license suspended or revoked (49 C.F.R. § 383.77(b)(2)).

Under the act, if a military member meets either of the above sets of requirements (i.e., for either the knowledge test or driving skills test waiver), the DMV commissioner must waive both the Q-endorsement knowledge test and training requirements. The act requires the commissioner to establish a process for members to apply for the waiver.

BACKGROUND

By law, a veteran is anyone honorably discharged or released under honorable conditions, or released with an other than honorable discharge based on a qualifying condition, from active service in the armed forces (i.e., the U.S. Army,

Navy, Marine Corps, Coast Guard, Space Force, Air Force, and any of their reserve components, including the Connecticut National Guard when under federal service) (CGS § 27-103, as amended by PA 23-71).

PA 24-18—sHB 5288
Veterans' and Military Affairs Committee
Judiciary Committee

AN ACT ALIGNING STATE LAW WITH FEDERAL LAW CONCERNING SERVICE ANIMALS

SUMMARY: This act generally broadens the applicability of existing protections and provisions related to guide dogs or assistance dogs by replacing references to these animals with a federal definition for "service animals." The federal definition generally includes dogs that do work or perform tasks for people with various types of disabilities. Specifically, it replaces these references in laws on the following:

1. state employee use of paid sick time to attend service animal training (§ 1);
2. motor vehicle operators' requirement to yield the right-of-way to blind pedestrians with service animals (§§ 4 & 5);
3. payment contracts and lease agreements regarding dog ownership (§ 7);
4. damage done by animals to property or other animals (§§ 8 & 9) (§ 9 has been repealed by PA 24-108, § 43);
5. places of public accommodation (§§ 11 & 12); and
6. the prohibition on using as evidence in a negligence action a blind person's use of a service animal (§ 13).

Similarly, the act incorporates the federal definition of "service animals" into existing state laws on (1) transportation network company drivers (e.g., Uber and Lyft) accommodating service animals (§ 3), (2) restraining and controlling dogs in proximity to service animals (§ 10), and (3) victim services for crimes involving personal injury (including to a service animal) (§ 14).

The act also applies existing law's definition of "disability" (i.e., intellectual, physical, mental, and learning disabilities) in several of these laws, specifically those laws on (1) state employee use of paid sick time, (2) damage done by animals, (3) places of public accommodation, and (4) victim services for crimes involving personal injury.

Separately, the act increases the amount of accumulated paid sick leave time a state employee or a quasi-public agency employee may use for service animal training from 15 to 20 days and establishes a similar allowance for municipal employees (§§ 1 & 2).

Finally, the act requires the Commission on Human Rights and Opportunities (CHRO), within available appropriations, to post a link on its website to educational materials on service animals, emotional support animals, and therapy animals (§ 15).

The act also makes other minor and conforming changes, including repealing the state's definition of mobility-impaired persons (§ 16).

EFFECTIVE DATE: July 1, 2024

§§ 1 & 2 — USING SICK TIME FOR SERVICE ANIMAL TRAINING

State and Quasi-Public Employees (§ 1)

Prior law allowed permanent, full-time state employees and quasi-public agency employees who are blind or physically disabled to use accumulated paid sick leave to take guide dogs or assistance dogs to qualifying training. The act instead allows employees to use the sick time to train service animals, as defined in federal law, rather than guide dogs or assistance dogs, and it increases the amount of time employees may use from 15 to 20 days. The act broadens eligibility for this benefit to employees who have a disability, including physical, intellectual, mental, or learning disabilities as defined in state law.

Under the act, the training must be done by an organization that (1) trains service animals, rather than a guide dog or assistance dog association, and (2) belongs to a professional association of service animal schools. Under existing law, unchanged by the act, the benefit is available to employees who have been employed for at least 12 consecutive months, and employers may require up to seven days' advance notice and reasonable documentation.

Municipal Employees (§ 2)

The act creates a new requirement for municipalities that is similar to the requirement described above for state and quasi-public agency employees. It requires municipalities to allow full-time employees in permanent positions to use up to

20 days of accumulated paid sick leave to take a service animal to training provided by an organization that trains service animals and belongs to a professional organization of service animal schools. To qualify, an employee must have (1) been employed for at least 12 consecutive months and (2) a disability, including a physical, intellectual, mental, or learning disability, as defined in state law. Under the act, the municipality's chief elected official or chief executive officer may require up to seven days' advance notice and reasonable documentation.

§ 7 — DOG OWNERSHIP CONTRACTS AND AGREEMENTS

Under state law, any contract or agreement that gives ownership of a dog or cat to the owner after either a series of regular payments or at the end of a lease is generally void. The law exempts certain categories of animals from this provision, including any working animal that is trained or used to do tasks, such as guide dogs, security dogs, law enforcement dogs, and any assistance animal. The act replaces the exemption for guide dogs with an exemption for service animals.

§§ 8 & 9 — HARMFUL ANIMALS

By law, if a dog does any damage to a person's body or property, the dog's owner or keeper is generally liable for the amount of the damage. Under prior law, when a companion animal was injured by another dog, this amount included the fair monetary value of the companion animal, including all training expenses for a guide dog owned by a blind person or assistance dog owned by a deaf or mobility-impaired person. Under the act, the animal's fair monetary value instead includes all training expenses for a service animal owned by a person with a disability (§ 8).

Additionally, by law, animal control officers may make orders about the restraint or disposal of any biting dog or other animal. Prior law exempted guide dogs owned by or in the custody or control of a blind person or a person with a mobility impairment if the dog met certain other requirements (see below). The act instead exempts service animals owned by or in the custody or control of a person with a disability. By law, unchanged by the act, the exemption applies when the animal is (1) under the direct supervision, care, and control of the person; (2) currently vaccinated; and (3) receiving routine veterinary care (§ 9) (§ 9 has been repealed by PA 24-108, § 43).

§§ 11 & 12 — PLACES OF PUBLIC ACCOMMODATION

The act broadens the law covering service animals on public transportation and in places of public accommodation. Under prior law, any blind, deaf, or mobility-impaired person or any person training a guide or assistance dog could travel on public transportation (e.g., trains), enter places of public accommodation (e.g., restaurants), or visit someone's home with their guide or assistance dog or dog in training and keep the dog with them at no extra charge, as long as the dog was in the person's direct custody and wore a harness or orange-colored leash and collar. Prior law also (1) prohibited extra fees for people with guide or assistance dogs unless the fee applied to all guests and (2) made dog owners liable for any damages the dog does to the premises or facilities. Additionally, under prior law, anyone who intentionally interfered with a blind, deaf, or mobility-impaired person's use of a guide dog or assistance dog or who denied their rights or the rights of the person training a guide or assistance dog was guilty of a class C misdemeanor (see Table on Penalties).

The act applies these provisions to anyone with an intellectual, physical, mental, or learning disability and to service animals (as defined in federal law) in the owner's custody and control, rather than to guide dogs and assistance dogs. The provisions also apply to service animals in training, rather than just guide dogs and assistance dogs in training. The act eliminates requirements that these (1) animals wear a harness or an orange-colored leash and (2) animals in training be identified through tags, tattoos, bandanas, coats, leashes, or collars.

Prior law similarly made it a discriminatory practice to deny a blind, deaf, or mobility-impaired person accompanied by a guide dog, assistance dog, or dog in training full and equal access to any place of public accommodation, resort, or amusement. Under state law, a "place of public accommodation, resort, or amusement" is any establishment that caters or offers its services, facilities, or goods to the public, including any commercial property or building lot where a commercial building will be constructed or offered for sale or rent.

The act expands this provision to apply to people with intellectual, physical, mental, or learning disabilities and their service animals and people training service animals. The act also makes it a discriminatory practice for a place of public accommodation, resort, or amusement to refuse entry to a person with a disability who is accompanied by a service animal.

The act makes a conforming change by removing a provision making it a discriminatory practice for a place of public accommodation, resort, or amusement to fail or refuse to post a notice that blind, deaf, or mobility-impaired people with their guide dog wearing a harness or an orange-colored leash and collar may enter the premises or facilities.

The act allows the staff of a place of public accommodation, resort, or amusement, when it is not obvious what service

an animal provides, to ask a service animal's owner or keeper (1) whether the animal is a service animal required because of a disability and (2) what work or task the animal has been trained to do. Under the act, provisions about discriminatory practices do not preclude a business owner's ability to recover for damage a service animal causes to a person or property.

§ 15 — CHRO EDUCATIONAL MATERIALS

The act requires CHRO, within available appropriations, to link on its website to educational materials on the following topics:

1. the differences between service animals, emotional support animals, and therapy animals;
2. an owner's rights and responsibilities for each type of animal under state and federal law; and
3. permissible methods under state and federal law for a landlord or an owner of a place of public accommodation, resort, or amusement to determine whether an animal is a service animal, emotional support animal, or therapy animal.

BACKGROUND

Service Animal Definition

Under federal law, "service animal" means any dog that is individually trained to do work or perform tasks to benefit a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. This definition excludes other species of animals. Work or tasks performed by a service animal must be directly related to the person's disability and include the following:

1. assisting people who are blind or have low vision with navigation,
2. alerting people who are deaf or hard of hearing to the presence of people or sounds,
3. providing non-violent protection or rescue work,
4. pulling a wheelchair,
5. assisting someone during a seizure,
6. alerting people to the presence of allergens,
7. retrieving medicine or other items,
8. providing physical support and assistance with balance and stability to people with mobility disabilities, and
9. helping people with psychiatric and neurological disabilities by preventing or interrupting impulsive destructive behaviors.

Service animal tasks and work do not include (1) crime deterrent effects of the animal's presence and (2) providing emotional support, well-being, comfort, or companionship (28 C.F.R. § 35.104).

PA 24-57—SB 238
Veterans' and Military Affairs Committee

AN ACT EXPANDING ELIGIBILITY FOR GRANTS FROM THE MILITARY RELIEF FUND

SUMMARY: This act expands eligibility for Military Relief Fund grants. By law, the Connecticut Military Department may give servicemembers and their immediate family members grants to pay for essential personal or household goods or services if these expenses would be a hardship due to the servicemember's military service. Under the act, the department may also provide grants if these expenses would be a hardship due to the servicemember's or immediate family member's serious injury, serious illness, or death.

The act retains the existing grant amount cap (up to $5,000 or the balance of the fund that is available for grants) and also makes minor, clarifying changes.
EFFECTIVE DATE: July 1, 2024

PA 24-96—SB 235
Veterans' and Military Affairs Committee

AN ACT CONCERNING MILITARY LEAVE PROVISIONS UNDER THE STATE PERSONNEL ACT

SUMMARY: This act updates obsolete military terminology in the State Personnel Act. It also revises the maximum paid leave of absence that full-time, permanent state employees who serve in the state armed forces (e.g., Connecticut National Guard) or federal reserves may take each year without using their vacation time. The act allows them to take up to 15 days (rather than three calendar weeks) per year to perform ordered military training (rather than to undergo required field training). It also makes minor, technical changes.
EFFECTIVE DATE: July 1, 2024

PA 24-119—sHB 5285
Veterans' and Military Affairs Committee

AN ACT CONCERNING VETERANS' SPECIALTY LICENSE PLATES AND DRIVER'S LICENSES FOR CERTAIN FORMER ARMED FORCES RESERVISTS

SUMMARY: This act allows an eligible former reservist, or his or her surviving spouse, to get a veteran license plate. The act also allows an eligible former reservist (but not a surviving spouse) to receive a veteran designation on his or her driver's license or identification card. Under prior law, generally only veterans could get the designation and only veterans, current service members, and surviving spouses could get the license plate.

Under the act, an eligible former reservist is any person who served in the National Guard or a reserve component of the United States Army, Navy, Marine Corps, Coast Guard, or Air Force who was discharged (1) honorably, (2) under honorable conditions, or (3) with an other than honorable (OTH) discharge based on a qualifying condition (see BACKGROUND).

To receive these benefits, a former reservist or surviving spouse must submit a verification request and all available official documentation of the reservist's service to the Department of Veterans Affairs (DVA). For driver's license or identification card designations, this includes documentation for discharge or release from service. Within 30 days after receiving the request, DVA must verify the service and, if the requestor is eligible, notify the Department of Motor Vehicles (DMV). The reservist or spouse must also apply to DMV and pay any applicable fees.

The act specifies that receiving these benefits and being verified by DVA does not establish proof of eligibility for any other veterans' benefit. It also makes technical and conforming changes.
EFFECTIVE DATE: October 1, 2024

BACKGROUND

Qualifying Condition

A qualifying condition is a (1) post-traumatic stress disorder or traumatic brain injury diagnosis by a licensed health care professional at a U.S. Department of Veterans Affairs facility; (2) military sexual trauma disclosed to such a health care professional; or (3) determination by the Eligibility Qualifying Review Board that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for the OTH discharge (CGS § 27-103).

PA 24-1, June 2024 Special Session—SB 501
Emergency Certification

AN ACT CONCERNING MOTOR VEHICLE ASSESSMENTS FOR PROPERTY TAXATION, INNOVATION BANKS, THE INTEREST ON CERTAIN TAX UNDERPAYMENTS, THE ASSESSMENT ON INSURERS, SCHOOL BUILDING PROJECTS, THE SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY CHARTER AND CERTAIN STATE HISTORIC PRESERVATION OFFICER PROCEDURES

TABLE OF CONTENTS:

§§ 1-12 — MOTOR VEHICLE PROPERTY TAX ASSESSMENTS

Changes various laws on motor vehicle assessment and property tax billing procedures set to take effect on October 1, 2024, including (1) adjusting the depreciation schedule assessors must use to value motor vehicles, (2) eliminating a requirement that OPM define a class of motor vehicles to be treated as personal property for taxing purposes, (3) specifying how assessors must value commercial vehicle modifications and attachments, and (4) eliminating certain statutory deadlines for supplemental motor vehicle tax bills

The act changes laws on motor vehicle assessments and property tax billing procedures that, by law, take effect October 1, 2024 (see *Background — Changes to Motor Vehicle Assessment Laws in 2023 and 2024*). Principally, the act does the following:

1. adjusts the depreciation schedule, increasing the taxable portion of each vehicle's manufacturer's suggested retail price (MSRP) by five percentage points and making corresponding changes to the increments over the 20-year depreciation schedule (§ 3);
2. eliminates a requirement that the Office of Policy and Management (OPM) define a class of motor vehicles that would be treated as non-vehicle personal property for certain property tax purposes (§§ 1, 2, 4, 5 & 7);
3. requires assessors to determine whether to value modifications and attachments to commercial vehicles, as well as the vehicles to which they are affixed, as motor vehicles or as non-vehicle personal property (§§ 3 & 4);
4. restores a provision in the underlying law specifying that registered motor vehicles are not to be listed on a personal property declaration (§ 4); and
5. eliminates certain statutory deadlines for supplemental motor vehicle tax bills and re-establishes prior law's time limit for taxpayers to apply for certain credits (e.g., for stolen or totaled vehicles) (§§ 8-10).

With respect to how vehicles are assessed, the act additionally:

1. requires OPM to annually establish valuation guidelines, in consultation with the Department of Motor Vehicles (DMV), that assessors must use to determine vehicles' use for property tax purposes (§ 2), and
2. requires assessors to value tax-exempt commercial trucks, truck tractors, and tractors and semitrailers used exclusively to transport freight for hire in the same way as other vehicles (i.e., using their MSRP subject to depreciation or assessor-determined values, as applicable), rather than using their purchase cost subject to depreciation (§ 10).

The act also explicitly authorizes taxpayers to contest the MSRP used to assess their vehicles in the same way existing law sets for appeals of the prior valuation method (i.e., at the next board of assessment appeals meeting after the tax bill becomes due and then to the Superior Court) (§§ 3 & 8). Lastly, it makes numerous minor and conforming changes.

EFFECTIVE DATE: July 1, 2024, and applicable to assessment years starting on or after October 1, 2024, except for a conforming change in § 11, which is effective July 1, 2024, and a technical correction in § 12, which is effective upon passage.

Depreciation Schedule (§ 3)

Beginning October 1, 2024, prior law required vehicles to be valued for property tax purposes as a percentage of their MSRP, based on a 20-year depreciation schedule. The act increases the taxable portion of vehicles' MSRP by five percentage points, as shown in the table below. Additionally, under the act, no motor vehicle can be assessed, rather than valued, at less than $500.

Motor Vehicle Valuations Under the Act

Vehicle Age (in years)	*% of MSRP*	
	Prior Law	*Act*
Up to 1	80	85
2	75	80
3	70	75
4	65	70
5	60	65
6	55	60
7	50	55

Vehicle Age (in years)	% of MSRP	
	Prior Law	Act
8	45	50
9	40	45
10	35	40
11	30	35
12	25	30
13	20	25
14	15	20
15-19	10	15
20+	≥ $500	≥ $500

Commercial Vehicle Modifications and Attachments (§§ 3 & 4)

Beginning October 1, 2024, the act requires assessors to determine whether to value commercial motor vehicles with modifications or certain attachments (i.e., those designed, manufactured, or modified to be affixed to the vehicle) as motor vehicles or as personal property. It requires assessors to do the same for the modifications and attachments. (By law, motor vehicles and other, non-vehicle personal property are valued differently (e.g., using different methods and depreciation schedules).) Under the act, the assessor must determine the valuation of any modifications or attachments to these vehicles based on whether they are intended to be permanently affixed to the vehicle.

Under the act, non-permanent modifications and attachments are considered personal property, which taxpayers must list on their annual personal property declarations. (Presumably, attachments and modifications that are intended to be permanently affixed are valued as part of the motor vehicle, not as personal property.)

Personal Property Declarations (§ 4)

Prior law required (1) OPM to annually, starting by October 1, 2024, define a schedule of motor vehicle plate classes to be treated as non-vehicle personal property and (2) taxpayers to list those vehicles on a personal property declaration. In addition to eliminating the OPM-established schedule of plate classes, the act restores a provision in the underlying law specifying that registered motor vehicles are not to be listed on a personal property declaration. (As described above, the act also requires the assessor to determine whether to value a commercial motor vehicle with modifications or attachments as personal property listed on a personal property declaration.)

Supplemental Motor Vehicle Tax Bills and Credits (§§ 8-10)

Late Additions to the Grand List. Under prior law, when an assessor received notice from the DMV commissioner about a taxable vehicle that was not already on the town's taxable grand list, he or she was required to assess the vehicle and add it to the town's grand list for the immediately preceding assessment date (i.e., the prior October 1). Under the act, beginning October 1, 2024, the assessor must instead add the vehicle to the town's taxable grand list.

Supplemental Tax Bill Due Dates. By law, until October 1, 2024, tax bills for vehicles (including replacement vehicles and temporarily registered commercial vehicles) registered after the start of the assessment year (October 1) are due the following January 1 in a supplemental tax bill, and interest on delinquent payments begins accruing February 1. Prior law created a second supplemental tax bill due date (July 1) and, in doing so, generally advanced the payment date for vehicles registered after October 1 but before April 1. This prior law was set to go into effect October 1, 2024.

The act eliminates these statutory due dates and instead makes supplemental bills payable not later than the first day of the month after they become due. (Presumably, this means municipalities will set supplemental tax bills' due dates and interest will begin accruing the first day of the next month.)

Where Supplemental Motor Vehicle Tax Is Paid. Under prior law, supplemental motor vehicle tax bills for vehicles registered after the start of the assessment year (other than replacement vehicles) were due to the municipality in which the vehicle was last registered in the assessment year immediately preceding the day on which the tax was payable. The act instead makes these supplemental tax bills due to the municipality where the vehicle was first registered during the

assessment year. (By law, unchanged by the act, supplemental motor vehicle tax bills are prorated for the number of months left in the assessment year.)

By law, and under the act, supplemental tax bills on replacement vehicles are due to the municipality that billed the original, replaced vehicle.

Deadline to Request Credit. The act reestablishes prior law's deadline for a taxpayer to claim a credit against their property taxes for a vehicle that was sold, totaled, stolen, or registered by the taxpayer in another state upon moving. So, under the act, the deadline remains the December 31 following the first full assessment year after the assessment year in which the event (e.g., sale or theft) occurred.

Background — Changes to Motor Vehicle Assessment Laws in 2023 and 2024

PA 22-118, §§ 497-509, beginning October 1, 2023, (1) required assessors to value vehicles using their MSRPs, subject to depreciation (rather than using a guide OPM annually selects); (2) required DMV to give municipalities a supplemental list of vehicles it registered on a monthly, rather than annual, basis; and (3) modified the timeline for supplemental bills. However, PA 23-304, §§ 209-219, delayed these changes by one year, until the 2024 assessment year.

§ 13 — MOTOR VEHICLE MILL RATE

Requires municipalities and districts that impose a motor vehicle mill rate that differs from the mill rate for other taxable property to impose the lower rate on motor vehicles; explicitly authorizes them to set the motor vehicle mill rate as low as zero mills; requires OPM to send specified notices to municipal CEOs about the municipality's option to reduce its mill rate

The act (1) requires municipalities and districts that set different mill rates for motor vehicles and other taxable property to impose a lower rate on motor vehicles than they impose on the other property and (2) explicitly authorizes them to set the motor vehicle mill rate as low as zero mills. The law, unchanged by the act, caps the motor vehicle mill rate at 32.46 mills.

The act also requires the OPM secretary to annually notify each municipality's chief executive officer (CEO) that:

1. the municipality has the option to reduce its motor vehicle mill rate to less than 32.46 mills, even as low as zero mills, and
2. its motor vehicle mill rate may be different than its rate for other taxable property, so long as it is lower.

The OPM secretary must also notify each municipal CEO, before the municipality implements a revaluation, that the municipality has the option to consider and evaluate reducing its motor vehicle mill rate in the same fiscal year in which it implements the revaluation.

EFFECTIVE DATE: July 1, 2025

§§ 14-29 — INNOVATION BANKS

Replaces a type of Connecticut-organized bank ("uninsured bank") with a substantially similar type under a different name ("innovation bank")

The act replaces all references to "uninsured banks" in the state's banking laws with "innovation banks." In doing so, it makes the requirements and conditions that applied to uninsured banks under prior law apply to innovation banks instead.

The act defines "innovation bank" similarly to "uninsured bank" (i.e., a Connecticut-chartered or -organized bank and trust company, savings bank, or savings and loan association that does not accept retail deposits). However, while, by definition, prior law did not require "uninsured banks" to have Federal Deposit Insurance Corporation (FDIC) insurance for their deposits, the act instead expressly allows "innovation banks" to accept nonretail deposits that are eligible for FDIC insurance.

Separate from its definition, the act also authorizes each innovation bank to receive nonretail deposits (including from a corporation owning the majority of the bank's shares) and to secure deposit insurance for them, including from the FDIC.

By law, "retail deposits" are deposits by anyone other than accredited investors as defined in federal securities regulations. Generally, "accredited investors" include, among other entities and individuals, certain banks, securities brokers or dealers, insurance companies, investment companies, business development companies, qualifying retirement and employee benefit plans, trusts with assets over $5 million, and people with an individual income over $200,000 in each of the past two years or $300,000 jointly with a spouse (17 C.F.R. § 230.501(a)).

Lastly, the act makes several technical and conforming changes.

EFFECTIVE DATE: July 1, 2024

§ 30 — INTEREST ON CERTAIN TAX UNDERPAYMENTS

Exempts taxpayers from paying interest on underpayments of corporation business, pass-through entity, and personal income taxes if the underpayment was due to an amended return filing necessitated by IRS guidance on the federal employee retention credit

The act exempts taxpayers from paying interest on underpayments of corporation business, pass-through entity, and personal income taxes if the underpayment was due to an amended return filing required by Internal Revenue Service (IRS) guidance on the federal employee retention credit. It requires the Department of Revenue Services (DRS) to treat any interest already paid on these underpayments as an overpayment and refund it to taxpayers without interest.

The federal employee retention credit is a refundable credit against employment taxes designed for eligible businesses that continued paying employees during the COVID-19 pandemic. Eligible employers were allowed to claim the credit on an original or amended employment tax return for qualified wages paid between March 13, 2020, and December 31, 2021.
EFFECTIVE DATE: Upon passage

§ 31 — GENERAL INSURANCE ASSESSMENT

Changes the basis for calculating the annual general assessment that domestic insurers and HMOs pay the Insurance Department

By law, domestic insurers and HMOs pay an annual assessment to the Insurance Department to cover the expenses of the Insurance Department, Office of the Healthcare Advocate, and Office of Health Strategy, among other things.

The act changes the basis for calculating this annual assessment. Under prior law, the assessment was generally calculated based on the amount the insurers and HMOs paid in Connecticut insurance premiums taxes for the prior calendar year. For certain local domestic insurers, it was based on the amount before applying the insurance premiums tax credit allowed for these insurers. The act instead bases the assessment on the total amount of Connecticut insurance premiums taxes the insurers and HMOs reported to DRS two years prior before applying any allowable or available tax credits.

The act correspondingly requires the DRS commissioner to report these tax amounts in the statement he must give the insurance commissioner annually by June 30. It also makes related technical and conforming changes.
EFFECTIVE DATE: October 1, 2025

§§ 32 & 33 — SCHOOL CONSTRUCTION PROJECT MANAGERS

Prohibits construction managers on school construction projects from bidding on project subcontracts

The act reinstates a provision prohibiting construction managers on school construction projects from bidding on elements of the project (i.e., subcontracts) they are managing. PA 24-151 had removed the prohibition and the act repeals that provision of PA 24-151. The act leaves intact other changes to school construction law made by PA 24-151.
EFFECTIVE DATE: July 1, 2024, except the repealer section is effective upon passage.

§§ 34-42 — SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY (RWA) AND CREATION OF AQUARION WATER AUTHORITY

Amends RWA's charter to contemplate the acquisition of Aquarion Water Company or its subsidiaries, including giving RWA specific authority to borrow or bond for this purpose; upon such acquisition, creates a state-chartered regional water authority and generally gives the new Aquarion Water Authority the same powers and structure as RWA, including giving both authorities the same governing board

The act establishes provisions that, under specified circumstances, create a new regional water authority, Aquarion Water Authority (AWA), serving the Aquarion Regional Water District. The act contemplates the creation of the new water authority after RWA or AWA acquires Aquarion Water Company or one or more of its subsidiaries ("the company"). (Currently, the company is a subsidiary of Eversource serving customers in Connecticut, Massachusetts, and New Hampshire.) Under existing law, unchanged by the act, the company's acquisition requires Public Utilities Regulatory Authority (PURA) approval. The act makes the charter it establishes for AWA part of RWA's charter.

Identically to RWA, which the legislature chartered in 1977 to serve the New Haven area, the act states that the purpose of creating AWA is to assure the adequate provision of water and disposal of wastewater at a reasonable cost in the region and to promote conservation and compatible recreational use of the land held by the authority. Under the act, AWA is overseen by a representative policy board and governing board, as is the case for RWA.

If RWA or AWA acquire the company, the act expands RWA's governing board to include members living in AWA's jurisdiction. The same governing board oversees both RWA and AWA. The act also makes RWA's chief executive officer the same as AWA's. The act gives AWA nearly identical powers and responsibilities to RWA, including the power to purchase and condemn property, operate water supply and wastewater systems, and issue bonds. Like RWA, AWA is subject to regulation by the state departments of public health (DPH) and energy and environmental protection (DEEP), but it is not regulated by PURA.

The act specifies that its provisions on RWA and AWA sunset on December 31, 2027, unless PURA approves RWA's or AWA's acquisition and operation of Aquarion Water Company, or its subsidiaries, by that date.

EFFECTIVE DATE: Upon passage

Aquarion Regional Water District's Membership

Under the act, the district consists of: Beacon Falls, Bethel, Bridgeport, Brookfield, Burlington, Canaan, Cornwall, Danbury, Darien, East Derby, East Granby, East Hampton, Easton, Fairfield, Farmington, Goshen, Granby, Greenwich, Groton, Harwinton, Kent, Lebanon, Litchfield, Mansfield, Marlborough, Middlebury, Monroe, New Canaan, New Fairfield, New Hartford, New Milford, Newtown, Norfolk, North Canaan, Norwalk, Norwich, Oxford, Plainville, Redding, Ridgefield, Salisbury, Seymour, Shelton, Sherman, Simsbury, Southbury, Southington, Stamford, Stonington, Stratford, Suffield, Torrington, Trumbull, Washington, Weston, Westport, Wilton, Wolcott, and Woodbury.

If the authority does not own property or serve customers in any of these municipalities, then the town or city is excluded from the district.

AWA's Representative Policy Board

As is the case under existing law for RWA, the act establishes a substantially similar representative policy board for the authority. It consists of (1) an elector of each member municipality, appointed by the respective chief elected official and approved by the legislative body, and (2) one elector appointed by the governor. The act specifies their initial staggered terms; their compensation is the same as members of RWA's policy board ($250 per day for each day of service, adjusted periodically for inflation, with the chairperson receiving 50% more than other members). Like RWA, the votes of the municipally-appointed members of the board are weighted by the number of customers and amount of authority-owned land in the municipality.

Initially, RWA's policy board serves as AWA's, until AWA's is appointed, which cannot be before PURA approves RWA's or AWA's acquisition of the company.

Duties. Identically as for RWA, the AWA policy board must decide whether to approve, after a hearing, various major authority actions, including setting rates and charges (see below), acquiring some or all of another water or wastewater system, most capital projects that cost more than $3.5 million, or noncore business investments of more than $1.5 million (these thresholds are adjusted for inflation every three years, with board approval). It also decides whether to approve bond issues.

Like RWA, the board must have standing committees on land use and management, finance, and consumer affairs. The act also specifies public notice requirements for hearings (e.g., on land sales) conducted by the policy board.

Appeals. If the governing board (see below) or others are aggrieved by the policy board's decision (e.g., its rates, siting plans, or sale of property), they have the same recourse options and under the same procedures as those aggrieved by RWA's policy board. This means, under certain circumstances, they can appeal the decision to Hartford Superior Court (in the case of RWA, filings are made in New Haven Superior Court). (Neither RWA nor AWA are subject to the Uniform Administrative Procedure Act.)

AWA's Governing Board

Under the act, AWA is governed by 11 individuals, five of whom are district residents appointed by the AWA policy board and six of whom are the members appointed to RWA's governing board by RWA's policy board. This governing board constitutes the authority. Board members receive the same compensation as policy board members if the latter board approves it. No one can be a member of both the policy and governing boards. But the act requires the boards of AWA and RWA to be identical.

Initially, when AWA's creation is first triggered, RWA's governing board serves as AWA's, until its AWA district members are appointed. The first chair and vice-chair, for two-year terms, are the same as RWA's, but subsequent chairs and vice-chairs are elected by the board's membership, as is the case for RWA under existing law.

(As discussed below, the act makes conforming changes to RWA's charter to align RWA's board with AWA's, although it appears they may have different chairpersons after the initial AWA chair's term.)

General Powers

With limited exceptions, AWA's powers are identical to RWA's. These include the powers to:

1. acquire real and personal property by purchase or condemnation (but it cannot acquire property by condemnation to use for noncore businesses);
2. construct, develop, and operate water supply and wastewater systems and set the rates and charges for these systems (see below);
3. borrow money and issue bonds;
4. acquire real property for conservation and recreational purposes if these uses will not harm water quality;
5. partake in noncore business activities, such as sustainable manufacturing support or certain energy projects; and
6. employ staff (subject to the laws on municipal employee collective bargaining) and enter into agreements with its employees' representatives on participating in any applicable state or municipal employee retirement plan.

As is the case for RWA, the governing board sets rates and charges, subject to approval by the representative policy board, and the act specifies ratemaking principles. Unpaid rates and charges are a lien against the owner of the affected property, and these liens take precedence over all other liens or encumbrances except taxes.

The act specifically authorizes both RWA and AWA to borrow or bond to acquire Aquarion Water Company or any of its subsidiaries.

Acquiring a Water System Outside the District. The act makes it a "noncore business" activity for AWA (or RWA) to acquire Aquarion Water Company or its subsidiaries. For both AWA and RWA, noncore business expenses exceeding $1.5 million require policy board approval.

For RWA and AWA, noncore business activities are generally limited by a provision specifying that at the time of an investment in a noncore business, the authority's investment, less returns of or on the investments, cannot exceed the greater of (1) 5% of the authority's net utility plant devoted to its water and wastewater utility businesses or (2) a higher amount approved by the policy board. (But the act creates an exception for RWA, see below.)

Responsibilities

As the law requires for RWA, the act generally requires the authority, if it acquires a private water company operating within its district, to retain certain employees and provide them with similar benefits and seniority.

Like RWA, AWA also must develop land use standards and disposition policies, subject to approval by the policy board. As the law does for RWA, the act requires that the policies include standards for categorizing the suitability of its land for various uses and assessing the impact of land transfers on the environment. In deciding whether to approve certain transfers, the policy board must hold a hearing and consider specified factors the act outlines. The act generally provides a right of first refusal to the host municipality and state before selling unimproved real property.

Like for RWA, the act exempts the authority from property taxes, but it requires AWA to make annual payments in lieu of taxes to the host municipality, equal to the amount that would be otherwise due on the property other than on improvements made by the authority. As is the case for RWA, the act specifies how property must be assessed and how the authority may appeal assessments.

Like RWA, AWA must also reimburse host municipalities for expenses incurred to provide municipal services to improvements on AWA property (other than water pipes).

As the law does for RWA, the act requires municipalities (or the applicable water company's governing board) to consent to AWA's sale of water to its customers if another franchised water company or municipal water supply system currently serves them. Similarly, AWA must receive local consent before it extends wastewater services into previously unserved areas.

Applicability of Other Laws and Oversight

As is the case for RWA, the act specifies that the charter it creates is the controlling authority for AWA, regardless of conflicting state laws or local ordinances, except its provisions generally do not exempt AWA from local zoning regulations. But certain facilities and structures must be allowed regardless of the zoning district.

While PURA does not have jurisdiction over AWA, it (like RWA) is subject to the jurisdiction of DPH (which regulates water quality and the adequacy of water supply) and DEEP (which regulates water diversions, among other things).

As existing law does for RWA, the act (1) requires the AWA policy board to arrange for an annual audit, which must be made public and shared with town clerks; and (2) specifically gives the attorney general power to examine its books, accounts, and records. The act also applies the same conflict of interest provisions to AWA that apply to RWA, including requiring board members and employees to disclose their financial interest in proposed contracts and orders and not participate in the deliberations or vote on the matter.

Conforming Changes to RWA's Charter

As it does for AWA, the act specifically authorizes RWA to borrow or bond to acquire Aquarion Water Company or any of its subsidiaries.

The act makes the acquisition of the company a noncore business activity, but it creates an exception in RWA's charter allowing it to acquire the company without regard to existing law's limitations on the ratio of its investments in core business to noncore businesses. Still, as under existing law, the authority cannot engage in noncore business activities that cost more than $1.5 million without the policy board's approval.

The act gives RWA's policy and governing boards authority to act on behalf of AWA until its boards are appointed. The act also prohibits AWA's boards from being appointed until PURA approves RWA's or AWA's acquisition of the company. RWA must notify appointing authorities when this occurs.

The act increases the governing board's membership, if the company is acquired, from 7 to 11 members. Under the act, six of the members must reside in RWA's jurisdiction and five must reside in AWA's. Under the act, as described above, the membership of the AWA and RWA governing boards are identical. As existing law does, the act specifies how the members' terms are staggered and establishes quorum requirements.

Office of Consumer Affairs

Existing law requires the RWA policy board to establish an Office of Consumer Affairs to act as the advocate for customer interests, including matters of rates, water quality and supply, and wastewater service quality. The act requires the office to also advocate for AWA customers and gives it the same powers with respect to AWA, including the right to participate in regulatory and judicial proceedings involving AWA. Under prior law, RWA was solely responsible for all costs associated with the office. The act instead makes RWA and AWA jointly responsible.

§ 43 — SHPO PROJECT REVIEW

Codifies in statute procedures for SHPO reviews to determine a proposed project's impact on historic structures and landmarks; requires SHPO to make a determination within 30 days and develop a mitigation plan with the project proponent under certain circumstances; allows a project proponent to request that DECD review the proposed plan

This act codifies in statute and revises procedures relating to certain project reviews under the Connecticut Environmental Policy Act (CEPA) by the State Historic Preservation Officer (SHPO). SHPO reviews projects under CEPA to determine whether there could be an impact on the state's historic structures and landmarks, but neither CEPA nor its regulations specify requirements for SHPO's reviews (see BACKGROUND).

Among other things, the act requires SHPO to make an initial determination of a project's impact within 30 days after receiving the information that it deems reasonably necessary to do so. If SHPO determines that there will be impact on historic structures and landmarks, it must propose a feasible alternative or mitigation plan in collaboration with the sponsoring agency; state entity (i.e., a state department, institution, or agency); or state funding recipient (collectively, "project proponent"). Under the act, SHPO must annually post all mitigation agreements executed during the prior fiscal year on the Department of Economic and Community Development's (DECD) website by January 1.

The act allows the project proponent, if it declines to execute the proposed mitigation agreement, to request that the DECD commissioner review the plan and recommend revisions. (SHPO is within DECD.) Additionally, it allows the sponsoring agency to conduct public scoping in keeping with CEPA if no agreement is reached.

EFFECTIVE DATE: October 1, 2024

SHPO REVIEW

CEPA and Historic Preservation

Generally, CEPA provides a declaration of state policy and establishes a process by which state agencies must identify and review their proposed actions that may significantly affect the environment (CGS § 22a-1a et seq.). Under CEPA, "actions which may significantly affect the environment" include individual activities or a sequence of planned activities proposed to be undertaken by state departments, institutions, or agencies, or funded in whole or in part by the state, which could have a major impact on, among other things, historic structures and landmarks (CGS § 22a-1c). The act similarly defines this term, except that it expressly excludes the following actions:

1. major federal actions under the National Environmental Policy Act,
2. undertakings under the National Historical Preservation Act, and
3. those affecting archaeological or sacred sites.

By law and under the act, "historic structures and landmarks" means any building, structure, object, or site that is significant in American history, architecture, archaeology, and culture or property used in connection with it, including sacred sites and archaeological sites (CGS § 10-410). Archaeological sites are locations where material evidence exists that is at least 50 years old of past human life and culture in the state. Sacred sites are spaces of ritual or traditional significance to Native American culture and religion that are eligible for listing on the national or state registers of historic places.

Initial Determination

Under the act, a sponsoring agency may request that SHPO make an initial determination on whether a project proponent's proposed individual activities or sequence of planned activities could have an impact on the state's historic structures and landmarks (and potentially significantly affect the environment). Although CEPA does not define "sponsoring agency," under CEPA regulations each agency responsible for recommending or initiating an action is considered a sponsoring agency (Conn. Agencies Regs., § 22a-1a-2(a)).

The act requires SHPO to make the initial determination within 30 days after receiving information it deems reasonably necessary to do so. SHPO must (1) consider all information the project proponent provides in making this determination and (2) provide a written determination to the proponent if it finds that there is no effect on historic structures and landmarks (or the environment will not be significantly affected because there is no impact on historic structures and landmarks). Under the act, SHPO's initial determination that there is no effect or impact is final.

Determination of Effect or Impact

Feasible Alternative. Under the act, when SHPO makes an initial determination that a proposed activity or activities will have an effect or impact on historic structures and landmarks, it must, if possible, propose a prudent or feasible alternative to avoid these impacts. It is required to do so in collaboration with the project proponent.

If SHPO and the project proponent agree on an alternative, SHPO must provide a written determination to the proponent that the alternative will have no effect on historic structures and landmarks (or that it is not within the category of actions that may significantly affect the environment because there is no impact on historic structures and landmarks). This determination is final.

Mitigation Plan. Under the act, if SHPO and the project proponent do not agree on an alternative, SHPO must provide the proponent with a written determination that the activity or activities will have an effect or impact on historic structures and landmarks, as discussed above. After SHPO makes this determination, it must propose a mitigation plan requiring the project proponent to mitigate the impact. It must do so in collaboration with the project proponent (and regardless of CEPA provisions on environmental impact evaluations (EIEs)).

In creating the mitigation plan, the act requires SHPO to consider the following*:*

1. all pertinent information about the activity or activities that may affect the plan (the project proponent must submit this to SHPO, to the extent possible); and
2. information DECD provides on the economic impact of the proposed activity or activities and mitigation plan (SHPO must consult with the DECD commissioner or his designee on this topic).

The act requires SHPO, within 45 days after receiving information from the proponent, to memorialize the mitigation plan in a proposed agreement that the project proponent may execute. When SHPO gives the mitigation agreement to the project proponent, it must also notify the proponent that it may request DECD to review the agreement (see below).

Under the act, if the project proponent executes the original agreement or a revised agreement (see below), then SHPO must also do so. Executing the original or revised agreement constitutes (1) a final determination by SHPO and (2) that

SHPO is satisfied the effect on historic structures and landmarks will be mitigated based on the terms of the agreement.

DECD Review. The act allows the project proponent, if it declines to execute the mitigation agreement described above, to request the DECD commissioner to review the proposed agreement and recommend revisions. If the proponent chooses to make this request, it must do so within 15 days after SHPO provides it with the proposed mitigation agreement. The request must be as the commissioner prescribes and may include a request for a conference with the commissioner, SHPO, project proponent, and any other interested party.

Within 30 days after receiving the request, the commissioner must hold the conference (if requested) and make recommendations (if any) for revising the proposed mitigation agreement, which SHPO must incorporate into a revised mitigation agreement that the project proponent may then execute. If the commissioner does not recommend revisions, the proponent may elect to execute the originally proposed agreement.

Public Scoping If Agreement Not Executed. The act requires a sponsoring agency to conduct an early public scoping under CEPA if no mitigation agreement is executed, despite SHPO proposing a mitigation plan as described above. Generally, public scoping is when the sponsoring agency solicits comments from other agencies and the public about the proposed action's environmental effects and whether an EIE is required (CGS § 22a-1b(b)).

BACKGROUND

CEPA Overview

Generally, CEPA provides a declaration of state policy and establishes a process by which state agencies must identify and review their proposed actions that may significantly affect the environment (CGS § 22a-1a et seq.). CEPA reviews have three primary stages:

1. an initial assessment by a sponsoring agency (i.e., the agency administering or funding the project) to determine whether public scoping is required;
2. a public scoping process to determine whether an EIE is required (CGS § 22a-1b(b)); and
3. an EIE, which is the most extensive level of review under CEPA (CGS § 22a-1b(c)).

SHPO's reviews generally occur at the first stage of the process (i.e., before public scoping). During this stage, agencies consult an environmental classification document, which lists examples of agency actions that typically require (or do not require) public scoping. If the sponsoring agency determines that its action does not have the potential to significantly affect the environment, then it does not proceed to public scoping or EIE.

SHPO

SHPO is located within DECD and has responsibilities under both federal and state law, including the following:

1. historic designations to the National and State Registers of Historic Places;
2. regulatory review and compliance related to the National Historic Preservation Act (i.e., Section 106 reviews) and CEPA;
3. local historic preservation programs;
4. federal and state tax credit programs; and
5. state museums.

The term "SHPO" is often used interchangeably to refer to either the "State Historic Preservation Office" or the "State Historic Preservation Officer." In practice, the responsibilities of the designated officer are fulfilled by the office as a whole.