



Senate

General Assembly

File No. 241

January Session, 2001

Substitute Senate Bill No. 1074

Senate, April 11, 2001

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE LIQUOR CONTROL ACT, HEALTH CLUBS, LICENSING OF ARCHITECTS AND PHARMACISTS, ELECTRONIC SHELF LABELING, WELL DRILLERS AND THE NEW HOME CONSTRUCTION GUARANTY FUND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-292 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) Each licensed architect shall renew [his] such architect's license
4 each year and pay to the department the professional services fee for
5 class F, as defined in section 33-182l.

6 (b) Each corporation holding a certificate of authorization for the
7 practice of architecture shall renew its certificate of authorization for
8 the practice of architecture each year and pay to the department a
9 renewal fee of one hundred seventy-five dollars.

10 (c) An applicant for examination or reexamination under this

11 chapter shall pay a one-time nonrefundable fee of thirty-six dollars and
12 an amount sufficient to meet the cost of conducting each portion of the
13 examination taken by such applicant. The fee for an applicant who
14 qualifies for a license, other than by examination, in accordance with
15 the provisions of section 20-291, [~~shall be~~] is fifty dollars.

16 (d) Notwithstanding the provisions of this section, any person
17 licensed under the provisions of this chapter, who is sixty-five years of
18 age or older and no longer engaged in the active practice of
19 architecture, may renew such person's license upon payment of an
20 annual fee of the professional services fee for class A, as defined in
21 section 33-182l.

22 (e) Notwithstanding the provisions of this section, if any person
23 with a license issued pursuant to subsection (a) of this section that has
24 lapsed during a period when such person was licensed, registered or
25 permitted by another state to practice architecture and was engaged in
26 the active practice of architecture in such state, such license issued
27 pursuant to subsection (a) of this section that has lapsed may be
28 reinstated upon payment of a reinstatement fee and proof of the
29 architect's qualifications and experience as determined and evaluated
30 by the board. The reinstatement fee for a license issued pursuant to
31 subsection (a) of this section that has lapsed is ninety dollars.

32 Sec. 2. Section 20-310 of the general statutes is repealed and the
33 following is substituted in lieu thereof:

34 Any person who knowingly or wilfully violates any provision of
35 this chapter shall be fined not more than five [~~hundred~~] thousand
36 dollars or be imprisoned not more than [~~three months~~] one year or
37 both.

38 Sec. 3. Subsection (c) of section 20-417i of the general statutes is
39 repealed and the following is substituted in lieu thereof:

40 (c) Payments received under subsection (b) of this section shall be
41 credited to the fund until the balance in such fund equals seven
42 hundred fifty thousand dollars. Annually, if the balance in such fund
43 exceeds seven hundred fifty thousand dollars, the first two hundred
44 thousand dollars of the excess shall be deposited into the Consumer
45 Protection Enforcement Fund established in section 21a-8a. Any excess
46 thereafter shall be deposited and held in the New Home Construction
47 Guaranty Fund until such time as it is applied by the commissioner to
48 reduce the fees payable by new home construction contractors under
49 the provisions of sections 20-417a to 20-417i, inclusive, and subsection
50 (b) of section 20-421 for [the] a subsequent fiscal year or years,
51 provided the total amount of fees collected from new home
52 construction contractors under the provisions of said sections and
53 subsection shall not be less than three hundred sixty thousand dollars
54 biennially. Any money in the New Home Construction Guaranty Fund
55 may be invested or reinvested in the same manner as funds of the state
56 employees retirement system and the interest arising from such
57 investments shall be credited to the fund.

58 Sec. 4. Section 20-428 of the general statutes is repealed and the
59 following is substituted in lieu thereof:

60 This chapter shall not apply to any of the following persons or
61 organizations: (1) The government of the state, municipalities of the
62 state or any department or agency of the state or such municipalities;
63 (2) the government of the United States or any of its departments or
64 agencies; (3) any school, public or private, offering as part of a
65 vocational education program courses and training in any aspect of
66 home improvements; and (4) any person holding a current
67 professional or occupational license issued pursuant to the general
68 statutes, and persons registered pursuant to chapter 482, provided
69 such person engages only in that work for which [he] such person is
70 licensed.

71 Sec. 5. Subsection (a) of section 20-590 of the general statutes is
72 repealed and the following is substituted in lieu thereof:

73 (a) The department shall, upon authorization of the commission,
74 issue a license to practice pharmacy as a pharmacist to any individual
75 provided the individual:

76 (1) Has submitted a written application on a form approved by the
77 department;

78 (2) Has graduated from [and received the entry-level professional
79 pharmacy degree from] a college or school of pharmacy approved by
80 the commission with a degree that was, at the time of graduation, an
81 entry level professional pharmacy degree;

82 (3) Has the professional experience as a pharmacy intern required
83 by regulations adopted by the commissioner, with the advice and
84 assistance of the commission, in accordance with chapter 54;

85 (4) Has successfully passed the examination described under
86 subsection (b) of this section;

87 (5) Is eighteen years of age or older at the time of the examination;
88 and

89 (6) Has paid the examination fee specified in section 20-601.

90 Sec. 6. Section 20-595 of the general statutes is repealed and the
91 following is substituted in lieu thereof:

92 Any corporation applying for a new or renewal pharmacy license
93 under the provisions of section 20-594 shall state in the application the
94 names of the officers and directors of the corporation. Notice of any
95 change in such officers or directors shall be given by the corporation to
96 the commission within ten days after the change. Such notice shall be
97 accompanied by the filing fee set forth in section 20-601. Any

98 corporation that holds multiple pharmacy licenses may file one such
99 notice for all of its licenses and pay one filing fee. Any such
100 corporation that fails to give notice of a change in the officers or
101 directors of the corporation within ten days of the change shall pay the
102 late fee required in section 20-601.

103 Sec. 7. Subsection (a) of section 20-600 of the general statutes is
104 repealed and the following is substituted in lieu thereof:

105 (a) Except as provided in subsections (b), (c), (f) and (g) of this
106 section, the commission shall not authorize the department to renew a
107 license to practice pharmacy as a pharmacist unless the pharmacist
108 applying for the renewal submits a statement signed under the penalty
109 of false statement that the pharmacist has satisfactorily completed not
110 less than fifteen contact hours of accredited continuing professional
111 education in the previous calendar year immediately preceding
112 expiration of the license. Not less than five contact hours of the annual
113 continuing education requirement shall be earned by attendance at a
114 live presentation of an accredited continuing professional education
115 program. At least one of the five contact hours earned by attendance at
116 a live presentation shall be on the subject matters of pharmacy law or
117 drug law.

118 Sec. 8. Subsection (b) of section 21a-79 of the general statutes is
119 repealed and the following is substituted in lieu thereof:

120 (b) (1) Any person, firm, partnership, association or corporation
121 [which] that utilizes universal product coding in totaling a retail
122 customer's purchases shall mark or cause to be marked each consumer
123 commodity [which] that bears a Universal Product Code with its retail
124 price.

125 (2) The provisions of subdivision (1) of this subsection shall not
126 apply if: (A) The Commissioner of Consumer Protection, by regulation,
127 allows for the utilization of electronic shelf labeling systems; (B) a

128 retailer is granted approval to utilize an electronic shelf labeling
129 system by the commissioner; [and] (C) the retailer has demonstrated to
130 the satisfaction of the commissioner that such electronic shelf labeling
131 system is supported by an electronic pricing system [which] that
132 utilizes universal product coding in totaling a retail customer's
133 purchases; and (D) the retailer has received approval for such an
134 electronic system by the commissioner, and asked for and received
135 permission by the commissioner to delay implementation for a period
136 not to exceed thirty days in order to reset, remodel, repair or otherwise
137 modify the electronic shelf labeling system at the retail establishment.

138 (3) Consumer commodities [which] that are advertised in a publicly-
139 circulated printed form as being offered for sale at a reduced price for
140 a minimum seven-day period need not be individually marked at such
141 reduced retail price, provided such consumer commodities are
142 individually marked with their regular retail price and a conspicuous
143 sign is adjacent to such consumer commodities, which sign discloses:
144 (A) The reduced retail price and its unit price; and (B) a statement that
145 the item will be electronically priced at the reduced price by the
146 cashier.

147 (4) If a consumer commodity is offered for sale at a reduced price, in
148 accordance with subdivision (3) of this subsection and its electronic
149 price is higher than the reduced price on the sign [which] that is
150 adjacent to the consumer commodity, then one item of such consumer
151 commodity shall be given to the consumer upon demand at no cost. A
152 conspicuous sign shall adequately disclose to the consumer that in the
153 event the electronic price is higher than the reduced retail price, one
154 item of such consumer commodity shall be given to the customer upon
155 demand at no cost.

156 Sec. 9. Subsection (a) of section 21a-218 of the general statutes is
157 repealed and the following is substituted in lieu thereof:

158 (a) A copy of the health club contract shall be delivered to the buyer

159 at the time the contract is signed. All health club contracts shall be in
160 writing signed by the buyer, shall designate the date on which the
161 buyer actually signs the contract and the street address of the health
162 club and shall contain a statement of the buyer's rights [which] that
163 complies with this section. The statement must: (1) Appear in the
164 contract under the conspicuous caption: "BUYER'S RIGHT TO
165 CANCEL", and (2) read as follows:

166 "If you wish to cancel this contract, you may cancel by mailing a
167 written notice by certified or registered mail to the health club. The
168 notice must say that you do not wish to be bound by this contract and
169 must be delivered or mailed before midnight of the third business day
170 after you sign this contract. After you cancel, the health club may
171 request the return of all contracts, membership cards and other
172 documents of evidence of membership. The notice must be delivered
173 or mailed to:

174

175

176 (Insert name and mailing address of health club.)

177 You may also cancel this contract if you relocate your residence
178 further than twenty-five miles from any health club operated by the
179 seller or from any other substantially similar health club [which] that
180 would accept the obligation of the seller. This contract may also be
181 cancelled if you die, or if the health club ceases operation at the
182 location where you entered into this contract. If you become disabled,
183 you shall have the option of (1) being relieved of liability for payment
184 on that portion of the contract term for which you are disabled, or (2)
185 extending the duration of the original contract at no cost to you for a
186 period equal to the duration of the disability. You must prove such
187 disability by a doctor's certificate, which certificate shall be enclosed
188 with the written notice of disability sent to the health club. The health

189 club may require that you be examined by another physician agreeable
190 to you and the health club at its expense. If you cancel, the health club
191 may keep or collect an amount equal to the fair market value of the
192 services or use of facilities you have already received."

193 The full text of this statement shall be in ten-point bold type.

194 Sec. 10. Subsection (e) of section 21a-226 of the general statutes is
195 repealed and the following is substituted in lieu thereof:

196 (e) The commissioner shall provide forms for applications by buyers
197 for payment from the guaranty fund. The application shall include the
198 name and address of the health club, the beginning and ending date of
199 the contract, the price of the contract, the date of the closing of the
200 health club, the amount and the basis of the claim and a copy of the
201 contract or other proof of membership deemed suitable by the
202 commissioner. No application for a payment from the guaranty fund
203 shall be accepted by the commissioner more than six months after the
204 date of the closing of the location of the health club where the buyer
205 entered into the contract.

206 Sec. 11. Subsection (b) of section 30-14 of the general statutes is
207 repealed and the following is substituted in lieu thereof:

208 (b) Any permit in this part, except a permit issued under sections
209 30-25, 30-35, 30-37b, 30-37d, 30-37g and 30-37h, may be issued for a
210 continuous period of not more than six consecutive calendar months,
211 at [two-thirds] one-half of regular fees, but rebate of fees shall not be
212 permitted for any unexpired portion of the term of a permit revoked
213 by reason of a violation of any provision of this chapter.

214 Sec. 12. Subsection (a) of section 30-37j of the general statutes is
215 repealed and the following is substituted in lieu thereof:

216 (a) A caterer liquor permit shall allow a person regularly engaged in
217 the business of providing food and beverages to others for service at

218 private gatherings or at special events to sell and serve alcoholic liquor
219 for on-premises consumption at any activity, event or function for
220 which such person has been hired. A caterer liquor permit does not
221 allow a person to sell and serve alcoholic liquor for on-premises
222 consumption at the same location for more than four private
223 gatherings or special events during any thirty-day period and for more
224 than forty-eight private gatherings or special events during any
225 twelve-month period at the same location. The annual fee for a caterer
226 liquor permit shall be three hundred fifty dollars.

227 Sec. 13. Section 30-59a of the general statutes is repealed and the
228 following is substituted in lieu thereof:

229 The Department of Consumer Protection [shall] may, upon notice
230 from the Division of Special Revenue of the name and address of any
231 person [who has had his] whose license is suspended or revoked by
232 the Gaming Policy Board or the executive director of the Division of
233 Special Revenue, suspend the permit of such person until such license
234 has been restored to such person. The Department of Consumer
235 Protection shall notify the Division of Special Revenue of the name and
236 address of any permittee or backer whose permit has been suspended
237 or revoked.

238 Sec. 14. (NEW) No person licensed pursuant to chapter 393 of the
239 general statutes shall commence work within the scope of said chapter
240 393 unless each applicable building or construction permit has been
241 obtained as may be required under the general statutes or local
242 ordinances.

GL JOINT FAVORABLE SUBST.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Minimal Revenue Loss, Minimal Revenue Gain

Affected Agencies: Department of Consumer Protection, Various Criminal Justice Agencies

Municipal Impact: None

Explanation

State Impact:

The bill makes a variety of changes which have the following fiscal impacts.

Architect Licensing Fees

The bill reduces the licensure renewal fee for retired architects from \$150 to \$30. It is estimated that 25-30 people currently licensed as an architect, paying the \$150 licensure fee, would seek the reduced fee for retired architects, thus a revenue loss of \$3,000 - \$3,600 will result. Additionally, the bill specifies that applicants taking an architect's examination or re-examination need only pay the \$36 exam fee once, which will have no fiscal impact. The bill allows architects whose Connecticut license has lapsed while they practiced in another state to reinstate their Connecticut license for \$90, which may result in a minimal revenue gain, the extent of which cannot be determined as it is contingent upon the number of individuals seeking such licensure.

Pharmacy Filing Fees

The bill allow corporations holding more than one pharmacy license to pay one \$30 fee when filing notice of a change of officers or directors instead of separate fees for each license. A minimal revenue loss may occur, the extent of which cannot be determined as it is contingent on the number of times a corporation needs to file a notice of change of officers and the number of licensed pharmacies held by the corporation.

Increase Penalties for Violation of Licensing of Professional Engineers and Land Surveyors Laws

The bill could result in a minimal cost to criminal justice system agencies by increasing the penalty for knowing or willful violations of laws pertaining to the licensing of professional engineers and land surveyors. Since these offenses are uncommon (there were no court recorded offenses related to this statute in 2000), any cost is anticipated to be absorbable and any revenue gain due to the bill's increase in the amount of fine would be minimal.

Home Construction Guaranty Fund

Under current law, new home construction contractors pay a \$480 biennial fee to the New Home Construction Guaranty Fund. Each year, if the fund balance exceeds \$750,000, any excess up to \$200,000 must be deposited in the Consumer Protection Enforcement Fund. Current law requires the commissioner of the Department of Consumer Protection to use any excess beyond the \$200,000 to reduce the fees paid by the new home construction contractors in the next fiscal year. The bill specifies that these excess funds beyond the \$200,000 be deposited held in the New Home Construction Guaranty Fund until the commissioner uses this excess to reduce contractor fees. There is no fiscal impact, resulting from this change as the bill only specifies the account the money shall be held in until it is used.

Reduce Fee for Partial Year Liquor Permits

The bill reduces the annual fee the commissioner charges when he issues liquor permits for up to six consecutive months from two-thirds the annual fee to one-half the fee amount. In practice, relatively few people seek a partial year liquor permit, thus reducing the fee from two-thirds the annual fee to one-half the fee would result in a minimal revenue loss, the extent of which is contingent on the number of individuals seeking a partial year permit.

OLR Bill Analysis

sSB 1074

AN ACT CONCERNING THE LIQUOR CONTROL ACT, HEALTH CLUBS, LICENSING OF ARCHITECTS AND PHARMACISTS, ELECTRONIC SHELF LABELING, WELL DRILLERS, AND THE NEW HOME CONSTRUCTION GUARANTY FUND .**SUMMARY:**

This bill:

1. allows retired architects to renew their licenses for a reduced fee, allows architects whose Connecticut licenses have lapsed while they practiced in other states to reinstate their Connecticut licenses, and specifies that \$36 exam fee need only be paid once;
2. allows corporations holding more than one pharmacy license to pay one fee when filing notice of a change in officers or directors, instead of a separate fee for each license;
3. requires pharmacists to attend classes on pharmacy or drug law as part of their continuing education requirement;
4. exempts retail stores using the electronic bar code system from marking each item with its retail price if the consumer protection commissioner approved the retailer's electronic shelf labeling system and allowed the retailer to take up to 30 days to set up or modify it;
5. increases the maximum penalties for knowingly or willfully violating laws pertaining to the licensing of professional engineers and land surveyors from a \$500 to a \$5,000 fine, and from three months to one year in prison;
6. specifies that the funds the commissioner must currently use to reduce new home construction contractor fees must be deposited in the New Home Construction Guaranty Fund until he is ready to do

so;

7. exempts registered well drillers from laws governing home improvement contractors;
8. specifies that to receive a pharmacist's license, an individual must have earned a degree from a college or school of pharmacy that was an entry-level professional pharmacy degree at the time he graduated;
9. requires that health club contracts include the health club's street address;
10. allows people making a claim for payment from the Connecticut Health Club Guaranty Fund to include a proof of membership other than their contract, if the commissioner finds it acceptable;
11. reduces the fee the commissioner charges when he issues liquor permits for up to six consecutive months from two-thirds to one-half of the full annual fee;
12. restricts caterer liquor permittees selling and serving liquor at the same location to do so no more than four times in 30 days, and no more than 48 times in 12 months;
13. allows, rather than requires, the Department of Consumer Protection (DCP) to suspend the liquor permit of someone whose license has been suspended or revoked by the Gaming Policy Board or the Division of Special Revenue; and
14. prohibits plumbers, electricians, sheet metal workers, and other specified tradesmen from starting jobs unless the required state and local building or construction permits have been obtained.

EFFECTIVE DATE: October 1, 2001

ARCHITECT FEES

The bill allows retired architects over 65 years old to renew their licenses for \$30 a year. The current renewal fee is \$150 for all architects.

It specifies that applicants taking an architect's examination or re-examination need only pay the \$36 exam fee once. It allows architects whose Connecticut license has lapsed while they practiced in another state to reinstate their Connecticut license for \$90 and proof of their qualifications and experience.

PHARMACY FILING FEES

The bill allows corporations that hold multiple pharmacy licenses to file one notice and pay a single filing fee when there is any change in their officers or directors. Under the law, a corporation holding a pharmacy license must give notice of any change in their officers or directors within 10 days of the change, and pay a \$30 fee for each pharmacy license held.

PHARMACISTS' CONTINUING EDUCATION

The bill requires that at least one of the five "contact hours" of live, continuing professional education required of pharmacists concern pharmacy or drug law. By law, pharmacists must complete at least 15 contact hours of accredited continuing professional education in the year before their license expires to be eligible to renew their license. Five of those hours must be a live presentation. (A contact hour is 50 to 60 minutes of participation in accredited continuing professional education.)

ELECTRONIC SHELF LABELING

The bill exempts retail stores using the universal price coding (bar code) system from marking each product with its retail price, if, in addition to existing requirements, the stores have (1) received DCP's approval for an electronic shelf labeling system, and (2) asked for and received permission to delay implementation for up to 30 days to reset, remodel, repair, or otherwise modify the system.

Stores are currently exempted if the commissioner has adopted regulations allowing the use of electronic shelf labeling systems and given the retailer permission to use them. In addition, the retailer must have demonstrated to the commissioner's satisfaction that the labeling system is supported by an electronic pricing system that totals

customer purchases using the universal pricing system.

NEW HOME CONSTRUCTION GUARANTY FUND

Under current law, new home construction contractors pay a \$480 biennial fee to the New Home Construction Guaranty Fund. Each year, if the fund balance exceeds \$750,000, any excess up to \$200,000 must be deposited in the Consumer Protection Enforcement Fund. The bill specifies that any excess above \$200,000 be deposited and held in the New Home Construction Guaranty Fund until the commissioner uses the excess to reduce contractor fees.

Current law requires the commissioner to use the excess to reduce the fees paid by new home construction contractors in the next fiscal year, as long as the total amount collected from contractors does not fall below \$360,000 biennially. The bill requires him to reduce the fees in a subsequent fiscal year, or years.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 17 Nay 0