



General Assembly

January Session, 2001

Amendment

LCO No. 6858

Offered by:
SEN. HARP, 10th Dist.

To: Subst. Senate Bill No. 175

File No. 296

Cal. No. 256

**"AN ACT CONCERNING THE LICENSING OF PROFESSIONAL
COUNSELORS."**

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subdivision (5) of subsection (a) of section 2c-2b of the
4 general statutes is repealed and the following is substituted in lieu
5 thereof:

6 (5) Board of Examiners of [Hypertrichologists] Electrologists,
7 established under section 20-268, as amended by this act.

8 Sec. 2. Subdivision (2) of section 12-407 of the general statutes is
9 repealed and the following is substituted in lieu thereof:

10 (2) "Sale" and "selling" mean and include: (a) Any transfer of title,
11 exchange or barter, conditional or otherwise, in any manner or by any
12 means whatsoever, of tangible personal property for a consideration;
13 (b) any withdrawal, except a withdrawal pursuant to a transaction in

14 foreign or interstate commerce, of tangible personal property from the
15 place where it is located for delivery to a point in this state for the
16 purpose of the transfer of title, exchange or barter, conditional or
17 otherwise, in any manner or by any means whatsoever, of the property
18 for a consideration; (c) the producing, fabricating, processing, printing
19 or imprinting of tangible personal property for a consideration for
20 consumers who furnish either directly or indirectly the materials used
21 in the producing, fabricating, processing, printing or imprinting,
22 including but not limited to, sign construction, photofinishing,
23 duplicating and photocopying; (d) the furnishing and distributing of
24 tangible personal property for a consideration by social clubs and
25 fraternal organizations to their members or others; (e) the furnishing,
26 preparing, or serving for a consideration of food, meals or drinks; (f) a
27 transaction whereby the possession of property is transferred but the
28 seller retains the title as security for the payment of the price; (g) a
29 transfer for a consideration of the title of tangible personal property
30 which has been produced, fabricated or printed to the special order of
31 the customer, or of any publication, including but not limited to, sign
32 construction, photofinishing, duplicating and photocopying; (h) a
33 transfer for a consideration of the occupancy of any room or rooms in a
34 hotel or lodging house for a period of thirty consecutive calendar days
35 or less; (i) the rendering of certain services for a consideration,
36 exclusive of such services rendered by an employee for the employer,
37 as follows: (A) Computer and data processing services, including, but
38 not limited to, time, programming, code writing, modification of
39 existing programs, feasibility studies and installation and
40 implementation of software programs and systems even where such
41 services are rendered in connection with the development, creation or
42 production of canned or custom software or the license of custom
43 software, and exclusive of services rendered in connection with the
44 creation, development hosting or maintenance of all or part of a web
45 site which is part of the graphical, hypertext portion of the Internet,
46 commonly referred to as the World-Wide Web, (B) credit information
47 and reporting services, (C) services by employment agencies and
48 agencies providing personnel services, (D) private investigation,

49 protection, patrol work, watchman and armored car services, exclusive
50 of services of off-duty police officers and off-duty firefighters, (E)
51 painting and lettering services, (F) photographic studio services, (G)
52 telephone answering services, (H) stenographic services, (I) services to
53 industrial, commercial or income-producing real property, including,
54 but not limited to, such services as management, electrical, plumbing,
55 painting and carpentry and excluding any such services rendered in
56 the voluntary evaluation, prevention, treatment, containment or
57 removal of hazardous waste, as defined in section 22a-115, or other
58 contaminants of air, water or soil, provided income-producing
59 property shall not include property used exclusively for residential
60 purposes in which the owner resides and which contains no more than
61 three dwelling units, or a housing facility for low and moderate
62 income families and persons owned or operated by a nonprofit
63 housing organization, as defined in subsection (29) of section 12-412,
64 (J) business analysis, management, management consulting and public
65 relations services, excluding (i) any environmental consulting services,
66 and (ii) any training services provided by an institution of higher
67 education licensed or accredited by the Board of Governors of Higher
68 Education pursuant to section 10a-34, (K) services providing "piped-in"
69 music to business or professional establishments, (L) flight instruction
70 and chartering services by a certificated air carrier on an aircraft, the
71 use of which for such purposes, but for the provisions of subsection (4)
72 of section 12-410 and subsection (12) of section 12-411, would be
73 deemed a retail sale and a taxable storage or use, respectively, of such
74 aircraft by such carrier, (M) motor vehicle repair services, including
75 any type of repair, painting or replacement related to the body or any
76 of the operating parts of a motor vehicle, (N) motor vehicle parking,
77 including the provision of space, other than metered space, in a lot
78 having thirty or more spaces, excluding (i) space in a seasonal parking
79 lot provided by a person who is exempt from taxation under this
80 chapter pursuant to subsection (1), (5) or (8) of section 12-412, (ii) space
81 in a parking lot owned or leased under the terms of a lease of not less
82 than ten years' duration and operated by an employer for the exclusive
83 use of its employees, (iii) valet parking provided at any airport, and

84 (iv) space in municipally-operated railroad parking facilities in
85 municipalities located within an area of the state designated as a
86 severe nonattainment area for ozone under the federal Clean Air Act,
87 (O) radio or television repair services, (P) furniture reupholstering and
88 repair services, (Q) repair services to any electrical or electronic device,
89 including, but not limited to, equipment used for purposes of
90 refrigeration or air-conditioning, (R) lobbying or consulting services
91 for purposes of representing the interests of a client in relation to the
92 functions of any governmental entity or instrumentality, (S) services of
93 the agent of any person in relation to the sale of any item of tangible
94 personal property for such person, exclusive of the services of a
95 consignee selling works of art, as defined in subsection (b) of section
96 12-376c, or articles of clothing or footwear intended to be worn on or
97 about the human body other than (i) any special clothing or footwear
98 primarily designed for athletic activity or protective use and which is
99 not normally worn except when used for the athletic activity or
100 protective use for which it was designed, and (ii) jewelry, handbags,
101 luggage, umbrellas, wallets, watches and similar items carried on or
102 about the human body but not worn on the body in the manner
103 characteristic of clothing intended for exemption under subdivision
104 (47) of section 12-412, under consignment, exclusive of services
105 provided by an auctioneer, (T) locksmith services, (U) advertising or
106 public relations services, including layout, art direction, graphic
107 design, mechanical preparation or production supervision, not related
108 to the development of media advertising or cooperative direct mail
109 advertising, (V) landscaping and horticulture services, (W) window
110 cleaning services, (X) maintenance services, (Y) janitorial services, (Z)
111 exterminating services, (AA) swimming pool cleaning and
112 maintenance services, (BB) renovation and repair services as set forth
113 in this subparagraph, to other than industrial, commercial or
114 income-producing real property: Paving of any sort, painting or
115 staining, wallpapering, roofing, siding and exterior sheet metal work,
116 (CC) miscellaneous personal services included in industry group 729
117 in the Standard Industrial Classification Manual, United States Office
118 of Management and Budget, 1987 edition, or U.S. industry 532220,

119 812191, 812199 or 812990 in the North American Industrial
120 Classification System United States Manual, United States Office of
121 Management and Budget, 1997 edition, exclusive of (i) services
122 rendered by massage therapists licensed pursuant to chapter 384a, and
123 (ii) services rendered by [a hypertrichologist] an electrologist licensed
124 pursuant to chapter 388, (DD) any repair or maintenance service to any
125 item of tangible personal property including any contract of warranty
126 or service related to any such item, (EE) business analysis,
127 management or managing consulting services rendered by a general
128 partner, or an affiliate thereof, to a limited partnership, provided (i)
129 that the general partner, or an affiliate thereof, is compensated for the
130 rendition of such services other than through a distributive share of
131 partnership profits or an annual percentage of partnership capital or
132 assets established in the limited partnership's offering statement, and
133 (ii) the general partner, or an affiliate thereof, offers such services to
134 others, including any other partnership. As used in subparagraph
135 (EE)(i) "an affiliate of a general partner" means an entity which is
136 directly or indirectly owned fifty per cent or more in common with a
137 general partner; and (FF) notwithstanding the provisions of section
138 12-412, except subsection (87) thereof, patient care services, as defined
139 in subsection (29) of this section by a hospital; (j) the leasing or rental
140 of tangible personal property of any kind whatsoever, including, but
141 not limited to, motor vehicles, linen or towels, machinery or apparatus,
142 office equipment and data processing equipment, provided for
143 purposes of this subdivision and the application of sales and use tax to
144 contracts of lease or rental of tangible personal property, the leasing or
145 rental of any motion picture film by the owner or operator of a motion
146 picture theater for purposes of display at such theater shall not
147 constitute a sale within the meaning of this subsection; (k) the
148 rendering of telecommunications service, as defined in subsection (26)
149 of this section, for a consideration on or after January 1, 1990, exclusive
150 of any such service rendered by an employee for the employer of such
151 employee, subject to the provisions related to telecommunications
152 service in accordance with section 12-407a; (l) the rendering of
153 community antenna television service, as defined in subsection (27) of

154 this section, for a consideration on or after January 1, 1990, exclusive of
155 any such service rendered by an employee for the employer of such
156 employee; (m) the transfer for consideration of space or the right to use
157 any space for the purpose of storage or mooring of any noncommercial
158 vessel, exclusive of dry or wet storage or mooring of such vessel
159 during the period commencing on the first day of November in any
160 year to and including the thirtieth day of April of the next succeeding
161 year; (n) the sale for consideration of naming rights to any place of
162 amusement, entertainment or recreation within the meaning of
163 subdivision (3) of section 12-540; (o) the transfer for consideration of a
164 prepaid telephone calling service, as defined in subsection (34) of this
165 section, and the recharge of a prepaid telephone calling service,
166 provided, if the sale or recharge of a prepaid telephone calling service
167 does not take place at the retailer's place of business and an item is
168 shipped by the retailer to the customer, the sale or recharge shall be
169 deemed to take place at the customer's shipping address, but, if such
170 sale or recharge does not take place at the retailer's place of business
171 and no item is shipped by the retailer to the customer, the sale or
172 recharge shall be deemed to take place at the customer's billing
173 address or the location associated with the customer's mobile
174 telephone number. Wherever in this chapter reference is made to the
175 sale of tangible personal property or services, it shall be construed to
176 include sales described in this subsection, except as may be specifically
177 provided to the contrary.

178 Sec. 3. Subdivision (15) of subsection (b) of section 19a-14 of the
179 general statutes is repealed and the following is substituted in lieu
180 thereof:

181 (15) The Board of Examiners of [Hypertrichologists] Electrologists,
182 established under section 20-268, as amended by this act.

183 Sec. 4. Section 20-267 of the general statutes is repealed and the
184 following is substituted in lieu thereof:

185 As used in this chapter:

186 (1) ["The practice of hypertrichology"] "The practice of electrology"
187 means the permanent removal of superfluous hair by electrical or
188 other methods approved by the Commissioner of Public Health;

189 (2) "Board" means the Board of Examiners of [Hypertrichologists]
190 Electrologists; and

191 (3) "Department" means the Department of Public Health.

192 Sec. 5. Section 20-268 of the general statutes is repealed and the
193 following is substituted in lieu thereof:

194 There shall be in the [Department of Public Health] department a
195 Board of Examiners of [Hypertrichologists] Electrologists, composed of
196 five members, one of whom shall be a doctor of medicine licensed to
197 practice medicine and surgery in the state and a diplomate of the
198 American Board of Dermatology, two of whom shall be public
199 members and two of whom shall be practicing [hypertrichologists]
200 electrologists who are residents of this state. The Governor shall
201 appoint the members of [said] the board, subject to the provisions of
202 section 4-9a. [Said] The board shall meet at least once during each
203 calendar quarter and at such other times as the [chairman] chairperson
204 deems necessary. Special meetings shall be held on the request of a
205 majority of the board after notice in accordance with the provisions of
206 section 1-225. A majority of the members of the board shall constitute a
207 quorum. Members shall not be compensated for their services. Any
208 member who fails to attend three consecutive meetings or who fails to
209 attend fifty per cent of all meetings held during any calendar year shall
210 be deemed to have resigned from office. Minutes of all meetings shall
211 be recorded by the board. No member shall participate in the affairs of
212 the board during the pendency of any disciplinary proceedings by the
213 board against such member. No professional member shall be an
214 elected or appointed officer of a professional society of
215 [hypertrichologists] electrologists or have been such an officer during
216 the year immediately preceding [his] such professional member's
217 appointment. [Said] The board shall (1) hear and decide matters

218 concerning suspension or revocation of licensure, (2) adjudicate
219 complaints against practitioners, and (3) impose sanctions where
220 appropriate.

221 Sec. 6. Section 20-269 of the general statutes is repealed and the
222 following is substituted in lieu thereof:

223 The [Department of Public Health] department shall hold
224 examinations at least twice each year at such times and places as the
225 Commissioner of Public Health determines. The Commissioner of
226 Public Health, with advice and assistance from the board, shall [make]
227 adopt regulations, in accordance with chapter 54, for the
228 administration of this chapter and for the conduct of the business of
229 [hypertrichology] electrology, which regulations may prescribe
230 requirements concerning the layout, use and equipment of licensees'
231 places of business, all in accordance with the public interest, health
232 and safety. The board, with the consent of the Commissioner of Public
233 Health, shall prescribe the course of training for the practice [thereof]
234 of electrology and shall adopt a schedule and minimum educational
235 requirements. The board shall keep a record of the proceedings of
236 [said] the board, which shall be open to public inspection. The
237 department shall provide the board with all necessary clerical and
238 other assistance, keep [its] the records and files of the board, collect the
239 fees due under this chapter and conduct any investigations and
240 inspections [required for the purposes [hereof] of this chapter].

241 Sec. 7. Section 20-270 of the general statutes is repealed and the
242 following is substituted in lieu thereof:

243 No person shall engage in the practice of [hypertrichology]
244 electrology, except as [hereinafter] provided in this section, until [he]
245 such person has obtained a license issued by the department. No
246 person shall receive a license, except as [hereinafter] provided in this
247 section, until [he] such person has passed a written, oral and practical
248 examination prescribed by the department with the advice and consent
249 of the board. The examination shall be administered to applicants by

250 the department under the supervision of the board. All applications to
251 the department for examination shall be in writing signed by the
252 applicant and upon blanks, furnished by the department, which shall
253 set forth such facts concerning the applicant as the department may
254 require. Application to the department shall be accompanied by a fee
255 of seventy-five dollars. No person shall be eligible for examination
256 under the provisions of this chapter unless the department finds, from
257 evidence satisfactory to it, presented by the applicant, that [he] such
258 person has met the educational and other requirements prescribed by
259 the board with the consent of the department. The department shall
260 issue a license to any person who has passed such examination, which
261 license shall include a statement that the person named therein has
262 been examined and found qualified to practice [hypertrichology]
263 electrology. The department may waive the written examination for a
264 person who has passed the written examination of a nationally
265 recognized board or agency approved by the department and the
266 board. The department may refuse to grant a license, or the board may
267 revoke such license or take any action set forth in section 19a-17 for the
268 following reasons: (1) The employment of fraud or deception in
269 applying for admittance to examination or in the act of taking an
270 examination; (2) addiction to alcoholic liquor, narcotics or other habit-
271 forming drugs; or (3) conviction in a court of competent jurisdiction,
272 either within or without this state, of any crime in the practice of [his]
273 the person's profession. Such person shall file with the department
274 such certificates and a statement on blanks furnished by the
275 department, subscribed to by the applicant, which shall set forth [his]
276 such person's name, age, place of birth, residence, academic and
277 professional training with such other information as the department
278 requires, and [he] such person shall thereupon receive from [said] the
279 department a license to practice [hypertrichology, which] electrology.
280 Such license shall include a statement that the person named therein is
281 qualified to practice [hypertrichology] electrology. Such license shall
282 also contain a statement defining the practice of [hypertrichology]
283 electrology. The department shall establish a passing score for
284 examinations with the consent of the board. No license shall be issued

285 under this section to any applicant against whom professional
286 disciplinary action is pending or who is the subject of an unresolved
287 complaint in this or any other state or territory.

288 Sec. 8. Section 20-271 of the general statutes is repealed and the
289 following is substituted in lieu thereof:

290 The license of any [hypertrichologist] electrologist in this state may
291 be revoked or suspended by the board, or such [hypertrichologist]
292 electrologist may be the subject of any action set forth in section 19a-17,
293 after notice and hearing, on the recommendation of the board for any
294 cause [named below] set forth in this section. Proceedings relative to
295 the revocation or suspension of a license or such action may be begun
296 by the filing of written charges, verified by affidavit, with the
297 department. The causes for which a license may be revoked or
298 suspended or for which a practitioner may be the subject of any action
299 set forth in section 19a-17 include: [conviction] (1) Conviction, either
300 within or without this state, of any crime in the practice of [his] the
301 practitioner's profession; (2) fraudulent or deceptive conduct in the
302 course of professional services or activities or illegal, incompetent or
303 negligent conduct, in [his] the practitioner's practice; (3) habitual
304 intemperance in the use of alcoholic liquor or addiction to the use of
305 narcotics or other habit-forming drugs; (4) violation of any provision of
306 this chapter or of any regulation adopted under this chapter; (5) aiding
307 or abetting the unlawful practice of [hypertrichology] electrology; (6)
308 physical or mental illness or emotional disorder or loss of motor skill
309 of the practitioner, including, but not limited to, deterioration through
310 the aging process; [, of the practitioner;] (7) fraud or material deception
311 in obtaining a license; or (8) splitting of fees or offering of commissions
312 or gifts. The Commissioner of Public Health may order a licensee to
313 submit to a reasonable physical or mental examination if [his] the
314 physical or mental capacity of the licensee to practice safely is the
315 subject of an investigation. [Said] The commissioner may petition the
316 superior court for the judicial district of Hartford to enforce such order
317 or any action taken pursuant to section 19a-17.

318 Sec. 9. Subsection (b) of section 20-275 of the general statutes is
319 repealed and the following is substituted in lieu thereof:

320 (b) Each licensed [hypertrichologist] electrologist applying for
321 license renewal shall furnish evidence satisfactory to the
322 Commissioner of Public Health of having participated in continuing
323 education programs. The commissioner shall adopt regulations, in
324 accordance with chapter 54, to (1) define basic requirements for
325 continuing education programs, (2) delineate qualifying programs, (3)
326 establish a system of control and reporting, and (4) provide for waiver
327 of the continuing education requirement for good cause.

328 Sec. 10. Section 20-276 of the general statutes is repealed and the
329 following is substituted in lieu thereof:

330 Each person licensed under the provisions of this chapter to practice
331 [hypertrichology] electrology shall display in a prominent place in
332 [his] such person's place of business [his] such person's original license
333 and [his] annual registration certificate. Such licensee shall not use any
334 title, including the title "Doctor" or "registered nurse" or their
335 synonyms or abbreviations, except ["hypertrichologist"] "electrologist",
336 and shall not use any adjective or qualification in addition to such title
337 except that such licensee may use the title "certified professional
338 electrologist" or its abbreviation "CPE", provided [he] such licensee has
339 been awarded certification by the international board of electrologist
340 certification of The American Electrology Association.

341 Sec. 11. Section 20-277 of the general statutes is repealed and the
342 following is substituted in lieu thereof:

343 No provision of this chapter shall be construed to confer any
344 authority to practice medicine or surgery; nor shall this chapter
345 prohibit the practice of [hypertrichology] electrology by a person
346 licensed to practice the healing arts or a person employed in a hospital
347 or in the office of a licensed physician under [his] such physician's
348 immediate direction; nor shall this chapter prohibit the use of
349 nonelectrical cosmetic devices or the use of wax or other proprietary

350 depilatories used for the temporary removal of superfluous hair from
351 the surface of the skin.

352 Sec. 12. Section 20-278 of the general statutes is repealed and the
353 following is substituted in lieu thereof:

354 No person shall: (1) Buy, sell or fraudulently obtain or furnish any
355 diploma, certificate, license, record or registration purporting to show
356 that any person is qualified or authorized to practice [hypertrichology]
357 electrology, or participate in any such act; (2) practice or attempt or
358 offer to practice [hypertrichology] electrology under cover of any
359 diploma, certificate, license, record or registration illegally or
360 fraudulently obtained or signed, or issued unlawfully or under
361 fraudulent representation or mistake of fact in a material regard; (3)
362 practice or attempt or offer to practice [hypertrichology] electrology
363 under a name other than [his] such person's own name or under a false
364 or assumed name; (4) aid or abet practice by a person not lawfully
365 licensed to practice electrology within this state or by a person whose
366 license to practice has been suspended or revoked; or (5) use in [his]
367 such person's advertising the word ["hypertrichologist"] "electrologist"
368 or any description of services involving permanent hair removal,
369 without having obtained a license under the provisions of this chapter.
370 [; and no] No person shall, during the time [his] such person's license
371 is revoked or suspended, practice or attempt or offer or advertise to
372 practice [hypertrichology] electrology or be employed by, work or
373 assist, in any way, any person licensed to practice [hypertrichology]
374 electrology. Any person who violates any provision of this section
375 shall be fined not more than one hundred dollars or imprisoned not
376 more than thirty days, or both.

377 Sec. 13. Special act 99-13 is amended to read as follows:

378 (a) There is established a Spinal Cord Injury Research Board to
379 research, review and solicit, from public and private agencies,
380 organizations and qualified research institutions, grants funding
381 available to cooperatively conduct spinal cord injury research in

382 Connecticut and to build awareness for the need for further and
383 continual spinal cord injury research within the state.

384 (b) The research board shall consist of members who volunteer to
385 serve collaboratively in seeking spinal cord research funding for
386 research opportunities and prevention education for the state,
387 appointed by the Governor as follows: One person from The
388 University of Connecticut Medical School; one person from the Yale
389 University School of Medicine; one person from Gaylord Hospital; one
390 person from the Hospital for Special Care; one person from the Eastern
391 Paralyzed Veterans Association; and one person from the Connecticut
392 Chapter of the National Spinal Cord Injury Association.

393 (c) The research board shall establish policies and procedures for the
394 administration of the board, shall conduct the research and solicitation
395 of grants funding available from outside sources for spinal cord
396 research studies within Connecticut and shall, on or before January 1,
397 2001, report to the joint standing committee of the General Assembly
398 having cognizance of matters relating to public health, in accordance
399 with the provisions of section 11-4a of the general statutes, on the need
400 for continuation of the Spinal Cord Injury Research Board.

401 [(d) The Spinal Cord Injury Research Board established by this act
402 shall terminate on October 1, 2001.]

403 Sec. 14. This act shall take effect from its passage, except that
404 sections 1 to 12, inclusive, shall take effect October 1, 2001."