



2013-2014 PUBLIC ACTS REQUIRING AGENCY REGULATIONS

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ISSUE

Identify provisions in 2013 and 2014 public acts requiring agencies to adopt regulations.

SUMMARY

Connecticut's regulation-adoption process begins when the legislature enacts a new law authorizing or requiring an agency to adopt regulations. We identified 41 provisions in 2013 and 2014 public acts that explicitly require agencies to adopt regulations. Additionally, we identified 24 provisions that potentially require agencies to adopt regulations.

When a public act requires an agency to adopt regulations, the agency must post a notice of intent to adopt regulations (1) within five months after the effective date of the act requiring adoption or (2) by the time specified in the act. The agency must submit required regulations to the Regulation Review Committee within 180 days after posting the notice of intent to adopt regulations (CGS § 4-168(c)). For more information on the regulation-adoption process, see OLR Report 2015-R-0064.

PUBLIC ACTS REQUIRING AGENCIES TO ADOPT REGULATIONS

Table 1 lists provisions in 2013 and 2014 public acts explicitly requiring agencies to adopt regulations. It identifies each public act, statutory citation, agency, and subject matter.

Table 1: 2013-2014 Public Acts that Require Agencies to Adopt Regulations

Public Act	CGS §	Agency	Subject Matter
PA 13-12 § 1	30-6c	Department of Consumer Protection (DCP)	Restrooms in restaurants and cafés
PA 13-76 § 2	20-195cc	Department of Public Health (DPH)	Continuing education programs for professional counselors
PA 13-76 § 4	20-195c	DPH	Continuing education programs for marital and family therapists
PA 13-92 § 4	14-36f	Department of Motor Vehicles (DMV)	Instruction during driver education programs
PA 13-92 § 8	14-137a	DMV	Points chargeable against the owner of an operator's license for a motor vehicle violation
PA 13-104 §§ 1 & 2	22-26cc & 22-26nn	Department of Agriculture	Joint acquisition of development rights to agricultural land
PA 13-107 § 1	27-100a	Military Department	Regulations implementing provisions related to Military Fund
PA 13-117 § 2	31-60	Department of Labor (DOL)	Minimum wage increase for bartenders and restaurant or hotel employees
PA 13-122 § 8	10-145d	State Board of Education	Marital and family therapist services to students and their families
PA 13-197 § 5	22a-411a	Department of Energy and Environmental Protection (DEEP)	Emergency action plan requirements for high or significant hazard dams
PA 13-216 § 1	20-300c	DCP	Professional engineer licensing
PA 13-220 § 5	53-202b	Department of Emergency Services and Public Protection (DESPP)	Exempting semiautomatic pistols used for certain shooting competitions
PA 13-224 § 1	12-81g	Office of Policy and Management	Property tax exemption for veterans with disabilities
PA 13-247 § 35 PA 13-274 § 10	17b-423	Department of Aging	Regulations to carry out the purposes of the federal Older Americans Act of 1965
PA 13-247 § 36 PA 13-274 § 11	17b-10c	DSS	Technical and structural changes to the department's Uniform Policy Manual
PA 13-247 § 41	10-10d	State Department of Education	Fiscal accountability data collection report
PA 13-247 § 354	5-219	Department of Administrative Services (DAS)	Civil service examination fees
PA 13-256 § 16	29-357a	DESPP	Permits for special effect displays (pyrotechnics or flame-producing devices)
PA 13-259 § 1	29-143j	DESPP	Mixed martial arts
PA 13-271 § 60	14-137a	DMV	Assessing points on driver's licenses for cell phone violations
PA 13-277 § 7	15-15e	Department of Transportation	Procedures for embarkation and disembarkation of marine vessel pilots
PA 13-298 § 36	16-19ff	Public Utilities Regulatory Authority	Terminating submetered customer from terminated service
PA 14-15 § 2	19a-428	Office of Early Childhood	Youth health camp examination requirements
PA 14-28 § 1	7-185b	DCP	Tuition raffles
PA 14-36 § 1	19a-113a	DPH	CPR certification

Public Act	CGS §	Agency	Subject Matter
PA 14-63 § 29	15-229	DMV	Title brands on certificates of title for vessels
PA 14-94 § 19	16a-38k	DEEP, in consultation with DAS	State building construction standards
PA 14-131 § 13	19a-179	DPH	Waiving EMT training and testing for certain service members
PA 14-164 § 3	17b-601	DSS	Payments to residential care facilities
PA 14-172 § 1	17b-689d	DOL	Educational courses for Temporary Family Assistance recipients
PA 14-176 § 1	10-212a	SBE	Epipen administration and storage
PA 14-194 § 1	19a-522c	DPH	Alzheimer's and dementia symptoms training
PA 14-194 § 2	19a-562b	DPH	Alzheimer's and dementia symptoms training
PA 14-194 § 3	17a-227	DPH	Alzheimer's and dementia symptoms training
PA 14-194 § 8	19a-519	DPH	Nursing home administrator course requirements
PA 14-195 § 1	38a-78	Insurance Department	Reserve requirements for life insurance companies
PA 14-200 § 1	22a-472	DEEP	Storing and disposal of fracking waste
PA 14-228 § 6	14-227b	DMV	Administrative penalties for drunk driving and ignition interlock devices
PA 14-231 § 4	19a-7h	DPH	School nurse access to immunization registry
PA 14-231 § 13	19a-522g	DPH	Examination of nursing home facility patients
PA 14-231 § 25	19a-180a	DPH	Emergency medical personnel strike plans

PUBLIC ACTS THAT MAY REQUIRE AGENCIES TO ADOPT REGULATIONS

Public acts often make substantive changes in statutes related to agencies' existing regulations. For example, prior law may have required an agency to adopt regulations implementing a program. If a later public act amends the program criteria, the agency may have to adopt regulations to conform to the new requirements.

The Uniform Administrative Procedure Act, which governs the regulation-adoption process, does not establish standards for determining when an agency must adopt regulations to conform to a legislative change. It appears that in practice, agencies evaluate legislative changes to determine whether they create a conflict between the law and their existing regulations. If no conflict exists, or the changes are sufficiently addressed by existing regulations, they generally do not adopt new or amended regulations.

Table 2 lists provisions in 2013 and 2014 public acts that potentially require agencies to adopt regulations. It identifies each public act, statutory citation, agency, and subject matter.

Table 2: 2013-2014 Public Acts that May Require Agencies to Adopt Regulations

Public Act	CGS §	Agency	Subject Matter
PA 13-7 § 3 PA 13-234 § 108	17b-607	Department of Rehabilitation Services	Assistive Technology Revolving Fund
PA 13-70 § 2	19a-522c	DPH	In-service training under the Public Health Code for staff at nursing homes and rest homes on patients' fear of retaliation from employees or others
PA 13-118 § 1	10a-34	Office of Higher Education	Changes to program approval for institutions of higher education
PA 13-150 § 1	12-3a	Penalty Review Committee	Threshold for approving waivers of tax penalties
PA 13-172 § 1 PA 13-208 § 72	21a-254(j)	DCP	Electronic prescription drug monitoring program
PA 13-197 § 4	22a-409	DEEP	Dam inspections
PA 13-208 § 8	19a-522f	DPH	Nursing home IV (intravenous) therapy programs
PA 13-208 § 52	19a-547	DSS	Receivers for residential care homes
PA 13-234 § 76	17b-239	DSS	State reimbursement to hospitals
PA 13-234 § 82	17b-256f	DSS	Medicare eligibility
PA 13-234 § 84	17b-552	DSS	Connecticut Medicare assignment program (CONNMAP) eligibility
PA 13-234 § 113	17b-263c	DSS	Policies related to Patient Protection and Affordable Care Act and Health Care and Education Reconciliation Act of 2010
PA 13-242 § 1	19a-55	DPH	Newborn Screening For Adrenoleukodystrophy
PA 13-283 § 1	20-74s	DPH	Alcohol and drug counselor licensure and certification
PA 13-298 § 44	16-50kk	Siting Council	Wind turbine siting
PA 13-298 § 45	29-252	State Building Inspector	State Building Code provisions for electric circuits capable of supporting electric vehicle charging in newly-constructed residential garages
PA 13-308 § 35	22a-133q	DEEP	Notice of activity and use limitations in municipal land records
PA 14-133 § 2	7-53	DPH	Copies of adoptees' original birth certificates
PA 14-155 § 3	4-28h	Department of Revenue Services	Tobacco master settlement agreement
PA 14-162 § 1	17b-99	DSS	Medicaid provider audits
PA 14-163 § 6	25-33h	DPH	Water utility coordinating committee coordinated water system plans
PA 14-194 § 12	19a-195a	DPH	Alzheimer's and dementia symptoms training
PA 14-231 §§ 19 & 22	19a-179 & 19a-179a	DPH	Emergency intercept services, emergency medical personnel certification
PA 14-231 § 28	19a-490k	DPH	Influenza and pneumonia vaccines

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