



General Assembly

February Session, 2016

Raised Bill No. 5433

LCO No. 2120



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

***AN ACT MAKING MINOR AND TECHNICAL CHANGES TO
DEPARTMENT OF CONSUMER PROTECTION STATUTES.***

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

1 Section 1. Section 20-324a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 The commission shall establish and maintain a Real Estate Guaranty
4 Fund from which, subject to the provisions of sections 20-324a to 20-
5 324j, inclusive, any person aggrieved by any action of a real estate
6 broker or real estate salesperson, duly licensed in this state under
7 section 20-312, by reason of the embezzlement of money or property,
8 or money or property unlawfully obtained from any person by false
9 pretenses, artifice [, trickery] or forgery or by reason of any fraud,
10 misrepresentation or deceit by or on the part of any such real estate
11 broker or real estate salesperson or the unlicensed employee of any
12 such real estate broker, may recover, upon approval by the
13 commission of an application brought pursuant to the provisions of
14 section 20-324e, as amended by this act, compensation in an amount
15 not exceeding in the aggregate the sum of twenty-five thousand

16 dollars in connection with any one real estate transaction or claim,
17 regardless of the number of persons aggrieved or parcels of real estate
18 involved in such real estate transaction or claim.

19 Sec. 2. Subsection (b) of section 20-324e of the general statutes is
20 repealed and the following is substituted in lieu thereof (*Effective July*
21 *1, 2016*):

22 (b) When any aggrieved person recovers a valid judgment in the
23 Superior Court against any real estate broker or real estate salesperson
24 or the unlicensed employee of any such real estate broker for loss or
25 damages sustained by reason of the embezzlement of money or
26 property, or money or property unlawfully obtained from any person
27 by false pretenses, artifice [, trickery] or forgery or by reason of any
28 fraud, misrepresentation or deceit by or on the part of such real estate
29 broker or salesperson or the unlicensed employee of any such real
30 estate broker, such aggrieved person may upon the final determination
31 of, or expiration of time for appeal in connection with, any judgment,
32 apply to the commission for an order directing payment out of the Real
33 Estate Guaranty Fund of the amount unpaid upon the judgment,
34 subject to the limitations stated in section 20-324a, as amended by this
35 act, and the limitations specified in this section. [The license of any
36 such broker or salesperson shall be automatically revoked upon the
37 entry of such judgment.]

38 Sec. 3. Subsection (b) of section 30-33a of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective July*
40 *1, 2016*):

41 (b) A coliseum concession permit shall allow the retail sale and
42 consumption of beer, in paper, plastic or aluminum containers only, at
43 sporting events within the arena and at concession stands within the
44 arena or outside the arena but directly connected to the arena or in
45 areas adjacent to the hallways for public passage around the arena.
46 The coliseum concession permit shall allow the retail sale and

47 consumption of beer, in paper, plastic or aluminum containers only, at
48 such concession stands only during (1) a trade show for which a ticket
49 is required for admission; (2) an exhibition for which a ticket is
50 required for admission; or (3) a convention. No sales of beer shall occur
51 at a coliseum concession stand within one hour of the scheduled end of
52 a function at such coliseum. The annual fee for a coliseum concession
53 permit shall be one thousand two hundred fifty dollars.

54 Sec. 4. Subsection (b) of section 20-600 of the general statutes is
55 repealed and the following is substituted in lieu thereof (*Effective July*
56 *1, 2016*):

57 (b) The provisions of this section shall not apply to a pharmacist
58 who applies for the first [renewal] year of a license to practice
59 pharmacy.

60 Sec. 5. Section 21a-79a of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective July 1, 2016*):

62 (a) Notwithstanding the provisions of section 21a-79 and any
63 regulations adopted under said section, the Commissioner of
64 Consumer Protection may, within available appropriations, establish a
65 pilot program for the test audit of alternative electronic retail pricing
66 systems that maintain and display the item and unit price of consumer
67 commodities, as defined in subsection (a) of section 21a-79. The
68 commissioner shall select one or more retailers to participate in any
69 such pilot program. [in accordance with the following requirements:]
70 A retailer participating in the pilot program shall conduct business
71 from one or more stores in this state. [on October 1, 2001.] The retailer
72 shall submit to the commissioner a written request to participate in the
73 pilot program and pay all costs associated with a test audit under such
74 pilot program. The retailer [or retailers] shall implement a system to be
75 test audited that, at a minimum, (1) maintains the retailer's current
76 item prices and unit prices for each product in an electronic database,
77 (2) prints shelf tags that meet all applicable requirements for item

78 pricing and unit pricing, [in effect on October 1, 2001,] and (3) operates
79 in such a way that (A) price decreases are immediately transmitted
80 directly to the point of sale, and (B) price increases are transmitted to
81 the point of sale only after such shelf tags are posted and such posting
82 has been verified in the electronic database.

83 (b) The commissioner may designate a private auditing organization
84 to conduct any such test audit and shall charge the cost of such test
85 audit to the selected retailer or retailers. No such test audit shall be
86 conducted for a period exceeding twelve months. During the test
87 audit, such store shall be exempt from the provisions of subdivision (1)
88 of subsection (b) of section 21a-79 and any applicable regulations
89 adopted under said section.

90 [(c) The commissioner shall report the results of each test audit
91 conducted under any such pilot program and any recommendations to
92 the joint standing committee of the General Assembly having
93 cognizance of matters relating to consumer protection not later than
94 three months after the completion of such test audit. Such report shall
95 include a copy of any audit report prepared by the commissioner or
96 any such private auditing organization.]

97 Sec. 6. Section 21a-13 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective July 1, 2016*):

99 The Commissioner of Consumer Protection, or [his] the
100 commissioner's agent, may enter premises on which any meat or meat
101 product is being sold or offered for sale as kosher, or any restaurant or
102 other place where food is being sold for consumption [which] that is
103 represented as being kosher, to determine whether any violation of
104 section [53-317] 7 of this act exists and [said] the commissioner shall
105 report any such alleged violation to the proper prosecuting authorities.

106 Sec. 7. (NEW) (*Effective July 1, 2016*) (a) Each person that sells or
107 offers food for sale that is represented as being kosher shall post a
108 disclosure statement, in a form prescribed by the Commissioner of

109 Consumer Protection, on premises where the food is sold or offered for
110 sale, in a prominent place readily visible to the consumer. When food
111 is served to the consumer, if representations that food is kosher are not
112 made until after the consumer has made a request for such kosher
113 food, the disclosure shall be provided to the consumer either prior to
114 serving the food or when the food is served. Nursing homes, caterers
115 or other places of business that provide food to consumers pursuant to
116 a contract shall provide the consumer or the consumer's legal
117 representative with a copy of the disclosure prior to the signing of the
118 contract.

119 (b) Each entity that represents itself as having rabbinical supervision
120 regarding kosher food that is sold or offered for sale by such entity
121 shall post a completed rabbinical supervision kosher food disclosure
122 statement in a manner prescribed by the commissioner.

123 (c) Each person or entity that posts a disclosure pursuant to
124 subsection (a) or (b) of this section shall conform its sales practices to
125 such disclosure. Such persons and entities shall amend their postings
126 to reflect any change in their posted practices not later than fourteen
127 calendar days after any such change.

128 (d) Each person that sells or offers for sale any food represented as
129 kosher and food not represented as kosher shall display in a prominent
130 place near the public entrance of its premises a sign printed in block
131 letters at least four inches in height, stating: "KOSHER AND
132 NONKOSHER FOOD SOLD HERE." For restaurants, hotels, caterers
133 or other places where food is served, the word "SERVED" may be
134 substituted for "SOLD".

135 (e) Each person that sells or offers for sale kosher food solely in
136 sealed packages prepared by a third party is exempt from the
137 provisions of this section.

138 (f) The Commissioner of Consumer Protection may impose a civil
139 penalty of not more than one hundred dollars for a violation of this

140 section.

141 Sec. 8. Section 53-317 of the general statutes is repealed. (*Effective*
142 *July 1, 2016*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	20-324a
Sec. 2	<i>July 1, 2016</i>	20-324e(b)
Sec. 3	<i>July 1, 2016</i>	30-33a(b)
Sec. 4	<i>July 1, 2016</i>	20-600(b)
Sec. 5	<i>July 1, 2016</i>	21a-79a
Sec. 6	<i>July 1, 2016</i>	21a-13
Sec. 7	<i>July 1, 2016</i>	New section
Sec. 8	<i>July 1, 2016</i>	Repealer section

Statement of Purpose:

To make minor and technical changes to Department of Consumer Protection statutes concerning the Real Estate Guaranty Fund, alcoholic liquor coliseum concession permits, pharmacist licenses, a pilot program for the test audit of alternative electronic retail pricing systems and sale of kosher food.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]