



**Substitute Senate Bill No. 193**

**Public Act No. 18-141**

**AN ACT CONCERNING REVISIONS TO DEPARTMENT OF  
CONSUMER PROTECTION STATUTES.**

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

Section 1. Section 21a-118 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purpose of enforcing the provisions of chapter 417, chapter 419b, except with regard to permittees holding both a restaurant and a bakery permit and this chapter, the commissioner, or his authorized representative, is authorized (1) to enter, at reasonable times, any factory, warehouse or establishment subject to this chapter, or to enter any vehicle being used to transport or hold food, drugs, devices or cosmetics in intrastate commerce, and (2) to inspect, at reasonable times, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling and advertisements, records, files and papers therein.

(b) If an inspection reveals a violation of any provision of this chapter concerning a food factory, food warehouse or food establishment, the commissioner shall notify the owner of such factory, warehouse or establishment of any such violation and his right to a

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hearing under this section by certified mail within fifteen days of the date of such original inspection. Such owner may contest the violations cited in such notice by requesting a hearing in writing by certified mail within fifteen days of the date of receipt of such notice. The commissioner shall grant such a request and conduct a hearing in accordance with the provisions of chapter 54. The cost of all reinspections necessary to determine compliance with any such provision shall be forty dollars an hour and shall be charged to such owner, except that if the first reinspection following the original inspection indicates compliance with such provision no charge shall be made.

(c) If an inspection reveals a violation of any provision of chapter 417, chapter 419b or this chapter concerning any food, drug, cosmetic or device by any establishment licensed or registered in accordance with the provisions of [chapter 417] said chapters, the commissioner may impose a civil penalty of not more than five hundred dollars per separate violation, and suspend or revoke the license or registration of such establishment after notice and a hearing conducted in accordance with the provisions of chapter 54.

Sec. 2. Subsection (b) of section 30-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) Any person desiring a liquor permit or a renewal of such a permit shall make a sworn application therefor to the Department of Consumer Protection upon forms to be furnished by the department, showing the name and address of the applicant and of the applicant's backer, if any, the location of the club or place of business which is to be operated under such permit and a financial statement setting forth all elements and details of any business transactions connected with the application. Such application shall include a detailed description of the type of live entertainment that is to be provided. A club or place of

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business shall be exempt from providing such detailed description if the club or place of business (A) was issued a liquor permit prior to October 1, 1993, and (B) has not altered the type of entertainment provided. The application shall also indicate any crimes of which the applicant or the applicant's backer may have been convicted. Applicants shall submit documents sufficient to establish that state and local building, fire and zoning requirements and local ordinances concerning hours and days of sale will be met, except that local building and zoning requirements and local ordinances concerning hours and days of sale shall not apply to any class of airport permit. The State Fire Marshal or the marshal's certified designee shall be responsible for approving compliance with the State Fire Code at Bradley International Airport. Any person desiring a permit provided for in section 30-33b shall file a copy of such person's license with such application if such license was issued by the Department of Consumer Protection. The department may, at its discretion, conduct an investigation to determine whether a permit shall be issued to an applicant.

(2) The applicant shall pay to the department a nonrefundable application fee, which fee shall be in addition to the fees prescribed in this chapter for the permit sought. An application fee shall not be charged for an application to renew a permit. The application fee shall be in the amount of ten dollars for the filing of each application for a permit by a charitable organization, including a nonprofit public television corporation, a nonprofit golf tournament permit, a temporary permit or a special club permit; and for all other permits in the amount of one hundred dollars for the filing of an initial application. Any permit issued shall be valid only for the purposes and activities described in the application.

(3) The applicant, immediately after filing an application, shall give notice thereof, with the name and residence of the permittee, the type

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of permit applied for and the location of the place of business for which such permit is to be issued and the type of live entertainment to be provided, all in a form prescribed by the department, by publishing the same in a newspaper having a circulation in the town in which the place of business to be operated under such permit is to be located, at least once a week for two successive weeks, the first publication to be not more than seven days after the filing date of the application and the last publication not more than fourteen days after the filing date of the application. The applicant shall affix, and maintain in a legible condition upon the outer door of the building wherein such place of business is to be located and clearly visible from the public highway, the placard provided by the department, not later than the day following the receipt of the placard by the applicant. If such outer door of such premises is so far from the public highway that such placard is not clearly visible as provided, the department shall direct a suitable method to notify the public of such application. When an application is filed for any type of permit for a building that has not been constructed, such applicant shall erect and maintain in a legible condition a sign not less than six feet by four feet upon the site where such place of business is to be located, instead of such placard upon the outer door of the building. The sign shall set forth the type of permit applied for and the name of the proposed permittee, shall be clearly visible from the public highway and shall be so erected not later than the day following the receipt of the placard. Such applicant shall make a return to the department, under oath, of compliance with the foregoing requirements, in such form as the department may determine, but the department may require any additional proof of such compliance. Upon receipt of evidence of such compliance, the department may hold a hearing as to the suitability of the proposed location. The provisions of this subdivision shall not apply to applications for airline permits, charitable organization permits, temporary permits, special club permits, concession permits, military permits, railroad permits, boat permits, warehouse permits, brokers'

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permits, out-of-state shippers' permits for alcoholic liquor and out-of-state shippers' permits for beer, coliseum permits, coliseum concession permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, nonprofit golf tournament permits, nonprofit public television permits and renewals. The provisions of this subdivision regarding publication and placard display shall also be required of any applicant who seeks to amend the type of entertainment either upon filing of a renewal application or upon requesting permission of the department in a form that requires the approval of the municipal zoning official.

(4) In any case in which a permit has been issued to a partnership, if one or more of the partners dies or retires, the remaining partner or partners need not file a new application for the unexpired portion of the current permit, and no additional fee for such unexpired portion shall be required. Notice of any such change shall be given to the department and the permit shall be endorsed to show correct ownership. When any partnership changes by reason of the addition of one or more persons, a new application with new fees shall be required.

Sec. 3. Section 21a-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) A toll-free telephone line, available to consumers throughout the state, shall be established in the Department of Consumer Protection for the handling of consumer inquiries and complaints concerning consumer goods or services in the state or any other matter within the jurisdiction of the department and its licensing and regulatory boards. The line shall be in operation from 8:30 a.m. to 4:30 p.m. Monday through Friday each week, exclusive of those legal holidays on which state offices are closed, and shall be restricted to incoming calls.

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(b) The Department of Consumer Protection shall process the intake of consumer complaints concerning consumer goods or services in the state and any other matter within the jurisdiction of the department. In order to assist in the resolution of consumer complaints, the department may notify, in writing, the respondent against whom a complaint was received of the allegations against them and require a written response be provided to the department not later than thirty days of receipt of such notice.

(c) For purposes of this section, "credential holder" means a person certified, licensed, permitted or registered with the Department of Consumer Protection. In the event the department provides written notice to a respondent who is not a credential holder that a complaint has been filed against him or her, and said respondent fails to respond after receipt of such notice, the respondent may be fined not more than two hundred fifty dollars for failure to respond to the department. Written notice for purposes of this section shall include notice sent by registered or certified mail or hand-delivered to a respondent.

Sec. 4. Subsection (b) of section 51-164n of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,

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subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2, as amended by this act, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-

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415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (2) of subsection (j) of section 26-142a, subdivision (1) of subsection (b) of section 26-157b, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not



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exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 5. Section 21a-430 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall place or cause to be placed in a public place a donation bin for the donation of clothing or other articles unless such person has been granted permission to place such donation bin in such public place by the owner of such public place or by such owner's duly authorized agent and unless such bin contains a notice in block letters at least two inches high stating: (1) If the donation is for a charitable purpose, (A) the name of the nonprofit organization that will benefit from the donation and the percentage of the donated articles or of the proceeds from the sale of the donated articles that the nonprofit organization will receive from the owner of such bin, (B) the name and contact information of the owner of such bin, and (C) that the public may contact the Department of Consumer Protection for further information, or (2) if not intended for a charitable purpose, that such donation is not for a charitable purpose. Such notice shall be on the same side of the bin where the donation is likely to be made. As used in this section, "public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests, and "donation bin" means a large container commonly placed in a parking lot for the purpose of encouraging individuals to donate clothing or other items.

(b) Any person who violates any provision of subsection (a) of this section shall be fined not more than five hundred dollars.

Sec. 6. Section 42-150u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(a) No provision in a written contract for the purchase or lease of goods or services primarily for personal, family or household purposes that provides for the payment of liquidated damages in the event of a breach of the contract shall be enforceable unless (1) the contract contains a statement in boldface type at least twelve points in size immediately following such liquidated damages provision stating "I ACKNOWLEDGE THAT THIS CONTRACT CONTAINS A LIQUIDATED DAMAGES PROVISION", and (2) the person against whom such provision is to be enforced signs such person's name or writes such person's initials next to such statement. Nothing in this section shall validate a clause that is a penalty clause or is otherwise invalid under the law of this state.

(b) For purposes of this subsection, "personal emergency response system" means a twenty-four-hour-per-day electronic alarm system placed in an adult's home that enables him or her to obtain immediate help in case of an emergency. In the event a consumer dies during the term of a consumer contract or consumer lease for a personal emergency response system, the consumer contract or consumer lease for such system shall be deemed terminated upon such consumer's death and any penalty provision contained in the contract or lease regarding early termination shall be unreasonable pursuant to section 42-421.

[(b)] (c) The provisions of subsection (a) of this section shall not apply to (1) contracts between a consumer and an agency of the state or any political subdivision of the state or of the federal government, (2) negotiable instruments, (3) contract provisions for late fees, prepayment penalties or default interest rates, (4) contracts originated or held by an institution, or any subsidiary or affiliate of such institution, that is regulated by the Department of Banking or by a federal bank regulatory agency, provided, in the case of a contract originated or held by a subsidiary or affiliate of such institution, the

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subject matter of the contract is an activity that is financial in nature or incidental to such an activity as described in the Bank Holding Company Act, 12 USC 1843(k)(4), and (5) contracts originated or held by a person, firm or corporation licensed by the Department of Motor Vehicles in accordance with the provisions of section 14-52 or 14-67a.

Sec. 7. Section 20-306a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The practice of or the offer to practice professional engineering in this state by individual licensed professional engineers or the practice of or the offer to practice land surveying in this state by individual licensed land surveyors under the corporate form or by a corporation or limited liability company, a material part of the business of which includes engineering or land surveying, is permitted, provided (1) such personnel of such corporation or limited liability company as act in its behalf as engineers or land surveyors are licensed or exempt from licensure under the provisions of this chapter, and (2) such corporation or limited liability company has been issued a certificate of registration by the board as provided in this section. No such corporation or limited liability company shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing engineering or land surveying be relieved of responsibility for engineering or land surveying services performed by reason of his employment or relationship with such corporation or limited liability company. All final drawings, specifications, plots, reports or other engineering or land surveying papers or documents involving the practice of engineering or land surveying which are prepared or approved by any such corporation or limited liability company or engineer or land surveyor for use of or for delivery to any person or for public record within this state shall be dated and bear the signature and seal of the engineer or land surveyor

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who prepared them or under whose supervision they were prepared.

(b) A qualifying corporation or limited liability company desiring a certificate of registration shall file with the board an application upon a form prescribed by the Department of Consumer Protection accompanied by [an] a nonrefundable application fee of five hundred sixty-five dollars. Each such certificate shall expire annually and shall be renewable upon payment of a fee of three hundred seventy-five dollars. If all requirements of this chapter are met, [the board shall authorize] the department [to] shall issue to such corporation or limited liability company a certificate of registration within thirty days of such application, provided the department or board may refuse to authorize the issuance of a certificate if any facts exist which would entitle the commissioner or board to suspend or revoke an existing certificate.

(c) Each such corporation or limited liability company shall file with the [board] department a designation of an individual or individuals licensed to practice engineering or land surveying in this state who shall be in charge of engineering or land surveying by such corporation or limited liability company in this state. Such corporation or limited liability company shall notify the [board] department of any change in such designation within thirty days after such change becomes effective.

(d) Not less than two-thirds of the individual members of a limited liability company or owners of a corporation that practices or offers to practice professional engineering or land surveying services in this state shall be individually licensed under the provisions of this chapter and shall own not less than two-thirds of the voting interests of the limited liability company or not less than two-thirds of the voting stock of the corporation.

Sec. 8. Section 20-306b of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective from passage*):

(a) One or more architects, each of whom is licensed under the provisions of chapter 390, one or more landscape architects, each of whom is licensed under the provisions of chapter 396, one or more professional engineers or one or more land surveyors each of whom is licensed under the provisions of this chapter, may form a corporation or limited liability company for the joint practice of architecture, landscape architecture, professional engineering, land surveying services or any combination of such practices or services, provided (1) one or more persons licensed as architects, landscape architects, engineers or land surveyors under chapter 390, chapter 396 or this chapter own not less than two-thirds of the voting stock of the corporation or not less than two-thirds of the voting interests of the limited liability company, and the members of each profession forming the corporation or limited liability company together own at least twenty per cent of the voting stock of the corporation or at least twenty per cent of the voting interests of the limited liability company, (2) the personnel in responsible charge of the practice of architecture for such corporation or limited liability company shall be licensed under chapter 390, the personnel in responsible charge of the practice of engineering or land surveying for such corporation or limited liability company shall be licensed under this chapter, and the personnel in responsible charge of the practice of landscape architecture for such corporation or limited liability company shall be licensed under chapter 396, and (3) such corporation or limited liability company has been issued a joint certificate of registration by the Department of Consumer Protection, [at the direction of] the Architectural Licensing Board, the State Board of Landscape Architects or the appropriate members of the State Board of Examiners for Professional Engineers and Land Surveyors designated to administer the provisions of this chapter with respect to professional engineers or land surveyors. Such corporation or limited liability company shall, upon request by the

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Department of Consumer Protection, Architectural Licensing Board, State Board of Landscape Architects or the State Board of Examiners for Professional Engineers and Land Surveyors, provide the requesting [board] agency with information concerning its officers, directors, members, beneficial owners and all other aspects of its business organization. Corporations for such joint practice in existence as of July 1, 1992, may continue to be governed by the provisions of this subsection as revised to 1989, provided the certificate issued under this section did not expire more than two years before that date.

(b) Application by such corporation or limited liability company for a certificate of registration under this section shall be made to [all applicable boards jointly] the Department of Consumer Protection on a form prescribed by the department and accompanied by [an] a nonrefundable application fee of five hundred sixty-five dollars. Each such certificate shall expire annually and shall be renewable upon payment of a fee of three hundred seventy-five dollars, if all requirements of chapter 390 or 396 and this chapter with respect to corporate or limited liability company practice are met. The department or boards by joint action may refuse to authorize the issuance or renewal of a certificate if any facts exist which would entitle the commissioner or boards to suspend or revoke an existing certificate.

(c) Any corporation or limited liability company issued a certificate under this section shall be required to comply with all provisions of chapter 390 or 396 and this chapter with respect to corporate or limited liability company practice.

(d) No such corporation or limited liability company shall be relieved of responsibility for the conduct or acts of its agents, employees, members or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing architecture, landscape architecture, engineering or land surveying be

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relieved of responsibility for services performed by reason of his or her employment or relationship with such corporation or limited liability company.

(e) All fees collected under this section shall be paid to the State Treasurer for deposit in the General Fund.

(f) The Commissioner of Consumer Protection, with the advice and assistance of the Architectural Licensing Board, the State Board of Landscape Architects and the appropriate members of the State Board of Examiners for Professional Engineers and Land Surveyors designated to administer the provisions of this chapter with respect to professional engineers or land surveyors, shall adopt regulations, in accordance with chapter 54, to carry out the provisions of this section.

Sec. 9. Section 20-298b of the general statutes is amended by adding subsection (f) as follows (*Effective from passage*):

(NEW) (f) Not less than two-thirds of the individual members of a limited liability company or owners of a corporation that practices or offers to practice architectural services in this state shall be individually licensed under the provisions of this chapter and shall own not less than two-thirds of the voting interests of the limited liability company or not less than two-thirds of the voting stock of the corporation.

Sec. 10. Section 20-460 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2019*):

(a) No person who provides association management services under the provisions of sections 20-450 to 20-462, inclusive, shall control, collect, have access to or disburse funds of an association unless, at all times during which the person controls, collects, has access to or disburses such funds, there is in effect, a [fidelity bond] commercially available insurance policy complying with the provisions of this

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section that provides protection of such funds belonging to an association from the theft by a community association manager, a community association management company or its employees.

(b) The [fidelity bond] commercially available insurance policy referred to in subsection (a) of this section shall: (1) Be written by an insurance company authorized to write such [bonds] policies in this state; (2) except as provided in subsection (c) of this section, cover the maximum funds that will be in the custody of the community association manager at any time while the bond is in force, and in no event be less than the sum of three months' assessments plus reserve funds; (3) name the association as obligee; (4) cover the community association manager and all partners, officers, employees of the manager and may cover other persons controlling, collecting, having access to or disbursing association funds as well; (5) be conditioned upon the persons covered by the [bond] policy truly and faithfully accounting for all funds received by them, under their care, custody or control, or to which they have access; (6) provide that the insurance company issuing the [bond] policy may not cancel, substantially modify or refuse to renew the [bond] policy without giving thirty days' prior written notice to the association and the department, except in the case of a nonpayment of premiums, in which case ten days' prior written notice shall be given; (7) contain such other provisions as the department may, by regulation, require.

(c) The [fidelity bond] policy of a person who is employed full-time by and provides association management services to an association of a common interest community, or to a master association as defined in section 47-239 exercising the powers on behalf of one or more common interest communities or for the benefit of the unit owners of one or more common interest communities, which community or communities were established prior to July 3, 1991, and have more than two thousand four hundred residential units, shall be in an



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amount which is not less than one-half the amount specified in subdivision (2) of subsection (b) of this section.

(d) The community association manager shall furnish to the department, upon request, a certificate of each [bond] policy required under this section, [, and every renewal or replacement thereof, on or before the date on which he commences providing association management services requiring a bond to any association or prior to the expiration of any prior bond furnished under this section.]

(e) Unless otherwise provided for in a written agreement between the community association manager and the association pursuant to subsection (f) of this section, the cost of the [bond] policy shall be paid for by the community association manager.

(f) If, as of October 1, 1990, any community association manager is providing association management services, including the handling of funds, or has entered into an agreement to provide association management services including the handling of funds, and has no written agreement, concerning which party shall pay the cost of [fidelity bonds] policy, the cost of the [bond] policy shall be paid for in accordance with the declaration and bylaws of the association, and if the declaration and bylaws contain no such provision, the cost of the [bond] policy shall be paid one-half by the community association manager and one-half by the association unless the parties otherwise agree in writing.

(g) A separate [bond] policy shall be furnished for each association for which a community association manager provides association management services, including the handling of funds.

Sec. 11. Section 20-627 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in sections 20-627 to 20-630, inclusive, "nonresident

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pharmacy" means any pharmacy located outside this state that ships, mails or delivers, in any manner, legend devices or legend drugs into this state pursuant to a prescription order.

(b) A nonresident pharmacy shall be registered with the department, upon approval of the commission, and shall:

(1) Disclose annually in a report to the commission the location, names and titles of all principal corporate officers, if applicable, and all pharmacists who are dispensing drugs or devices to residents of this state; [.]

(2) A nonresident pharmacy shall file [an additional] a report within [thirty] ten days after any change of [office, corporate officer or pharmacist] name, ownership, management, officers or directors. Such report shall be accompanied by the filing fee set forth in section 20-601. Any nonresident pharmacy that fails to give notice as required pursuant to this subdivision within ten days after the change shall pay the late fee set forth in section 20-601;

[(2)] (3) Comply with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed as well as comply with all requests for information made by the commission or department pursuant to this section;

[(3)] (4) Disclose to the department whether the nonresident pharmacy is dispensing sterile pharmaceuticals, as defined in section 20-633b, within this state. If any such dispensed sterile pharmaceutical is not patient-specific, the nonresident pharmacy shall submit a copy of the manufacturing license or registration issued by the regulatory or licensing agency of the state in which it is licensed, and a copy of any registration issued by the federal Food and Drug Administration to the department;

[(4)] (5) Maintain at all times, a valid unexpired license, permit or

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registration to conduct such pharmacy in compliance with the laws of the state in which the nonresident pharmacy is located;

[(5)] (6) Before receiving a certificate of registration from the department, submit a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which the nonresident pharmacy is located. If the nonresident pharmacy is delivering sterile compounded products within this state, such inspection report shall include a section based on standards required in the most recent United States Pharmacopeia, Chapter 797, as amended from time to time. If the state in which the nonresident pharmacy is located does not conduct inspections based on standards required in the most recent United States Pharmacopeia, Chapter 797, as amended from time to time, such nonresident pharmacy shall provide proof to the department that it is in compliance with such standards;

[(6)] (7) A nonresident pharmacy shall provide a toll-free telephone number to facilitate communication between patients in this state and a pharmacist at such nonresident pharmacy who has access to the patient's records at all times. Such toll-free telephone number shall be disclosed on a label affixed to each container of drugs dispensed to patients in this state;

[(7)] (8) Notify the department if the nonresident pharmacy has had any disciplinary action or written advisement or warning by any federal or state regulatory agency or any accreditation body not later than ten business days after being notified of such action, advisement or warning; and

[(8)] (9) Provide to the department the names and addresses of all residents of this state to whom legend devices or legend drugs have been delivered, not later than twenty-four hours after the nonresident pharmacy initiates a recall of any legend devices or legend drugs.

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Sec. 12. Section 21a-11 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Consumer Protection may, subject to the provisions of chapter 67, employ such agents and assistants as are necessary to enforce the provisions of the general statutes wherein said commissioner is empowered to carry out the duties and responsibilities assigned to him or his department. For the purpose of inquiring into any suspected violation of such provisions, the commissioner and his deputy and assistants shall have free access, at all reasonable hours, to all places and premises, homes and apartments of private families keeping no boarders excepted. The commissioner and his or her deputy or assistants shall have the authority to issue citations pursuant to section 51-164n, as amended by this act, for violations for the purpose of enforcing such provisions.

(b) On the tender of the market price, the commissioner or his deputy may take from any person, firm or corporation samples of any article which he suspects is sold, offered for sale, kept with intent to sell, made or manufactured contrary to any provision of this chapter or related chapters under the jurisdiction of said commissioner. He may analyze such samples or have them analyzed by a state chemist or by an experiment station or by the laboratories of the Department of Public Health, and a sworn or affirmed certificate by such analyst shall be prima facie evidence of the ingredients and constituents of the samples analyzed. If such analysis shows that any such sample does not conform to the requirements of law, and gives the commissioner or his deputy reasonable grounds for believing that any provision of this chapter or related chapters under his jurisdiction has been violated, he shall cause such violator to be prosecuted. Any person who refuses the access provided for herein to the commissioner, his deputy or assistants, or who refuses to sell the samples provided for herein, shall

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be guilty of a class D misdemeanor. Evidence of violation of any provision of this section shall be prima facie evidence of wilful violation.

(c) The commissioner may, subject to the provisions of chapter 54, revoke, suspend or deny any license or registration issued by the department in the event that such licensee or registrant, including, but not limited to, an owner of any business entity holding such license or registration, owes moneys to any guaranty fund or account maintained or used by the department, including, but not limited to, the Home Improvement Guaranty Fund established pursuant to section 20-432, the New Home Construction Guaranty Fund established pursuant to section 20-417i, the Connecticut Health Club Guaranty Fund established pursuant to section 21a-226, the Real Estate Guaranty Fund established pursuant to section 20-324a and the privacy protection guaranty and enforcement account established pursuant to section 42-472a.

Sec. 13. (NEW) (*Effective October 1, 2018*) For the purposes of this section and sections 14 to 19, inclusive, of this act:

(1) "Commissioner" means the Commissioner of Consumer Protection or an authorized agent of the commissioner;

(2) "Cottage food operation" means any person who produces cottage food products only in the home kitchen of such person's private residential dwelling and only for sale directly to the consumer and who does not operate as a food service establishment pursuant to section 19a-36 of the general statutes or regulations adopted pursuant to section 21a-101 of the general statutes, or a food retailer, distributor or manufacturer as defined in subsection (b) of section 21a-92 and section 21a-151 of the general statutes;

(3) "Cottage food products" means nonpotentially hazardous baked

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goods, jams, jellies and other nonpotentially hazardous foods produced by a cottage food operation;

(4) "Food service establishment" means any establishment in which food is stored, offered for sale, processed or prepared, and includes the transportation of any food;

(5) "Private residential dwelling" means an owner or resident occupied dwelling. "Private residential dwelling" does not include any group or communal residential setting within any type of structure or outbuilding, shed, barn or other similar structure;

(6) "Home kitchen" means a kitchen designed and intended for use by the residents of a home but that is also used by a resident for the production of cottage food products and that may contain one or more stoves or ovens, which may be a double oven, designed for residential use. "Home kitchen" does not include commercial equipment typically used for large wholesale manufacturing;

(7) "Permitted area" means the portion of a private residential dwelling that contains a home kitchen where the preparation, packaging, storage or handling of cottage food products occurs; and

(8) "Potentially hazardous food" means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation.

Sec. 14. (NEW) (*Effective October 1, 2018*) (a) All cottage food operations shall be licensed annually by the Commissioner of Consumer Protection. The license application form shall be developed by the commissioner. The license shall specify the food products allowed to be produced by the cottage food operation. The annual license fee for cottage food operations shall be set by the Commissioner of Consumer Protection, provided such fee shall not exceed one hundred dollars.

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(b) Prior to licensing, the commissioner shall, within existing resources, examine the premises of the cottage food operation to determine it to be in compliance with the provisions of this section and sections 13 and 15 to 19, inclusive, of this act.

(c) Any cottage food operation shall comply with all applicable municipal laws and zoning ordinances when conducting a business from a private residential dwelling. Upon request by the commissioner, the cottage food operation shall provide written verification, from a credible recognized source, as determined by the commissioner, of compliance with all local, state and federal laws regarding on-site wastewater systems.

(d) Any cottage food operation with a private water supply shall have the supply tested prior to receiving a license in order to demonstrate that the water supply is potable. Subsequent testing of such private water supplies shall be required at a frequency determined by the commissioner.

(e) Prior to receiving a license, each cottage food operation shall have attended and completed a food safety training program that includes training in food processing and packaging. A list of food safety training programs that are recognized by the commissioner shall be maintained on the Department of Consumer Protection's Internet web site.

Sec. 15. (NEW) (*Effective October 1, 2018*) (a) Total annual gross sales for a cottage food operation shall not exceed twenty-five thousand dollars per calendar year. If annual gross sales exceed the maximum annual gross sales amount allowed, the cottage food operation shall either obtain a food manufacturing establishment license or cease operations. The commissioner may request documentation to verify the annual gross sales figure of any cottage food operation.

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(b) Products produced by a cottage food operation shall be sold directly to the consumer. Direct sales at point of production, farmers markets, local fairs and festivals, and charitable organization functions are permitted. Advertising and sales by Internet, mail and phone are permissible, provided the cottage food operator or their designee shall deliver, in person, to the customer within the state. No such operation shall engage in consignment or wholesale sales. The following additional locational sales by any such cottage food operation shall be prohibited: (1) Grocery stores; (2) restaurants; (3) long-term care facilities; (4) group homes; (5) day care facilities; and (6) schools. A cottage food operation may not operate as a food service establishment, a retail establishment engaged in the sale of food, a food manufacturing establishment, as defined in section 21a-151 of the general statutes, or a food warehouse, as defined in section 21a-151 of the general statutes.

(c) A cottage food operation may only produce those specific food products listed on its license.

(d) Any such license shall be displayed at every location where the operation's cottage food products are sold.

Sec. 16. (NEW) (*Effective October 1, 2018*) (a) The commissioner may inspect a cottage food operation at any time to ensure compliance with the provisions of this section, sections 14, 15 and sections 17 to 19, inclusive, of this act.

(b) Nothing in this section, section 14 or 15 or sections 17 to 19, inclusive, of this act shall be construed to prohibit the local director of health or duly authorized agents of the director from investigating the permitted area of a cottage food operation in response to a foodborne illness outbreak, consumer complaint or other public health emergency.



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Sec. 17. (NEW) (*Effective October 1, 2018*) (a) A cottage food operation may produce food items that are not potentially hazardous food.

(b) A cottage food operation shall not produce:

(1) Potentially hazardous food items; and

(2) Food items that present a food safety risk, such as acidified foods, low acid canned foods, garlic in oil, fresh fruit or vegetable juices and beverages.

Sec. 18. (NEW) (*Effective October 1, 2018*) If a cottage food operation sells cottage food products that are prepackaged, such packaging shall include an affixed label that contains the following information and that is printed in English:

(1) The name and address of the cottage food operation;

(2) The common or usual name of the cottage food product;

(3) The ingredients of the cottage food product, in descending order of predominance by weight or volume;

(4) Allergen information, as specified by federal labeling requirements, such as milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat and soybeans; and

(5) The following statement printed in at least ten-point type in a clear and conspicuous manner that provides contrast to the background label: "Made in a Cottage Food Operation that is not Subject to Routine Government Food Safety Inspection."

Sec. 19. (NEW) (*Effective October 1, 2018*) (a) Each cottage food operation shall comply with the following requirements and any failure to comply shall be deemed a violation of this section and

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sections 13 to 18, inclusive, of this act:

(1) No person, other than the person licensed to produce cottage food products or a person under his or her direct supervision, may engage in the processing, preparing, packaging or handling of any cottage food products;

(2) No preparation, packaging or handling of cottage food products shall occur in the home kitchen concurrently with any other domestic activities such as family meal preparation, clothes washing or ironing, kitchen cleaning, or guest entertainment;

(3) No pets, infants or children under the age of twelve shall be in the home kitchen during the preparation, packaging or handling of any cottage food products;

(4) All food contact surfaces, equipment and utensils used for the preparation, packaging or handling of any cottage food products shall be washed, rinsed and sanitized before each use;

(5) All food preparation and food and equipment storage areas shall be maintained free of rodents and insects; and

(6) All persons involved in the preparation and packaging of cottage food products:

(A) Shall not be ill while working in the home kitchen;

(B) Shall wash their hands before any food preparation and food packaging activities; and

(C) Use single-service gloves, bakery papers, tongs or other utensils in order to not have bare hand contact with ready-to-eat foods.

(b) A cottage food operation license may be suspended or revoked by the commissioner for any violation of this section or sections 13 to

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18, inclusive, of this act after a hearing conducted in accordance with chapter 54 of the general statutes. A cottage food operation license may be summarily suspended pending such a hearing if the commissioner has reason to believe that the public health, safety or welfare imperatively requires emergency action. Upon issuing a summary suspension, the commissioner shall schedule a hearing to determine whether to reinstate the license of the cottage food operation. Following said hearing, the commissioner shall either void such suspension or order revocation of the cottage food operation license. Any person or business entity whose license was revoked shall not be permitted to apply to the department for a new license for a period of one year from the date of decision of license revocation by the commissioner. The cost of any inspections necessary to determine whether or not an applicant whose license was revoked is entitled to have a new license granted shall be borne by the applicant at such rates as the commissioner may determine. The commissioner may refuse to grant any cottage food operation license if the commissioner finds that the applicant has evidenced a pattern of noncompliance with the provisions of this section or sections 13 to 18, inclusive, of this act. Prima facie evidence of a pattern of noncompliance shall be established if the applicant has operated, controlled or managed two or more cottage food operations for which such a license has been revoked.

Approved June 11, 2018