
OLR Bill Analysis

sSB 193

AN ACT CONCERNING REVISIONS TO DEPARTMENT OF CONSUMER PROTECTION STATUTES.

SUMMARY

This bill makes various unrelated changes in the Department of Consumer Protection (DCP) statutes. It:

1. explicitly subjects bakeries, food manufacturing establishments, and food warehouses to DCP inspections (§ 1);
2. authorizes the DCP commissioner, following an inspection, to (a) impose a civil penalty of up to \$500 per violation of the laws concerning food, drug, medical device, and cosmetic facilities and (b) suspend or revoke certain facilities' licenses or registrations (§ 1);
3. allows alcoholic liquor permittees authorized to serve alcohol for on premises consumption to change the type of entertainment they offer at any point during the year, not just at the time of renewal (§ 2);
4. establishes a \$250 fine on individuals who do not respond to written DCP communications concerning consumer complaints (§§ 3 & 4);
5. requires anyone placing a donation bin in a public place to include the bin owner's contact information on the bin (§ 5);
6. deems any contract or lease for a personal emergency response system to be terminated upon the consumer's death (§ 6);
7. makes several changes in the laws concerning companies that offer architecture, landscape architecture, engineering, or land surveying services, including allowing engineering and land

surveying companies to be owned by individuals without DCP licenses (§§ 7 & 8); and

8. makes minor and technical changes.

EFFECTIVE DATE: Upon passage

§ 1 — ENFORCEMENT OF CERTAIN CONSUMER PROTECTION LAWS

Bakery Inspections

The bill specifically authorizes the DCP commissioner to inspect bakeries, food manufacturing establishments, and food warehouses, and vehicles they use to transport food within the state, in order to enforce the Connecticut Food, Drug and Cosmetic (FD&C) Act. But the bill's authorization does not extend to facilities for which the licensee holds both a restaurant and bakery permit. (DCP licenses, rather than permits, bakeries.)

Enforcing Food, Drug, Medical Device, and Cosmetic Laws

If during an inspection of a food, drug, medical device, or cosmetic factory, warehouse, or other establishment (including bakeries) ("facilities"), the DCP commissioner finds a violation of the laws governing such food and supplies, the bill authorizes her to impose a civil penalty of up to \$500 per separate violation.

Additionally, the bill authorizes her to suspend or revoke a food or cosmetic facility's license or registration. Existing law authorizes her to suspend or revoke the license of a drug or medical device facility if her inspection reveals a violation of applicable laws. The bill also allows the commissioner to suspend or revoke applicable registrations.

As is the case for license suspensions and revocations under existing law, before imposing the civil penalties or license suspensions or revocations the bill authorizes, the commissioner must provide facilities with notice and an opportunity for a hearing in accordance with the Uniform Administrative Procedure Act.

Existing laws provide various enforcement mechanisms for laws

concerning food, drugs, medical devices, or cosmetics.

§ 2 — ENTERTAINMENT OFFERED BY ON-PREMISES ALCOHOLIC LIQUOR PERMITTEES

The bill allows alcoholic liquor permittees authorized to serve alcohol for on-premises consumption to change the type of entertainment they offer at any point in the year, rather than just at permit renewal. As is the case when applying for a change at renewal, under the bill, permittees must place notices in the local newspaper and affix a DCP placard on their building or some other publically visible location.

§§ 3 & 4 — FAILURE TO RESPOND TO CONSUMER COMPLAINTS

The bill specifies that DCP must process the intake of consumer complaints concerning consumer goods or services in the state, as well as any other matter in the department's jurisdiction. Existing law requires the department to maintain a toll-free telephone line for such consumer inquiries and complaints (CGS § 21a-2).

The bill authorizes DCP to (1) notify in writing a respondent against whom a complaint is received of the allegations against him or her and (2) require a response be provided to the department within 30 days.

The bill gives respondents that DCP certifies, licenses, permits, or registers only 14 days to respond before allowing the DCP commissioner to impose the fine. But the commissioner may waive the fine if the respondent demonstrates good cause for failing to respond within the prescribed period.

In the case of respondents that DCP does not credential, failure to respond is treated like an infraction and violators may be subject to a fine of up to \$250. Presumably, such respondents have up to 30 days to respond before being fined. Under the bill, the fine may only be imposed if the department sent the notice by registered or certified mail or hand delivered it. Violators may pay the fine without having to appear in court in accordance with the mail-in procedures for infractions and certain violations.

§ 5 — DONATION BIN OWNERS' CONTACT INFORMATION

This bill requires anyone placing a donation bin in a public place to include on the bin, in block letters at least two inches high, the contact information for the bin's owner.

Existing law requires the bin to list additional information, including the owner's name and information on the bin's purpose.

§ 6 — TERMINATION OF PERSONAL EMERGENCY RESPONSE SYSTEM CONTRACTS

The bill deems (1) terminated upon a consumer's death any consumer contract or lease for a personal emergency response system and (2) unreasonable any contract or lease provisions that set a penalty for early termination. Under the bill, these systems are 24-hour electronic alarm systems placed in an adult's home so that the adult can obtain immediate help in emergency situations.

§§ 7 & 8 — ARCHITECTURE, LANDSCAPE ARCHITECTURE, ENGINEERING, AND LAND SURVEYING COMPANIES

Nonrefundable Fees

The bill specifically makes the application fees to register with DCP nonrefundable when the applicant seeks to register as a corporation or limited liability company (LLC) offering (1) engineering or land surveying services or (2) any combination of architecture, landscape architecture, engineering, or land surveying services.

Company Owners

The bill also authorizes individuals who do not hold an individual engineering or land surveying license to own a corporation or LLC offering engineering or land surveying services.

Under existing law, unlicensed individuals may own up to one-third of the voting interests in a corporation or LLC offering any combination of architecture, landscape architecture, engineering, or land surveying services. The bill specifies that individuals that do not hold an individual architecture, landscape architecture, engineering, or land surveying license may own a corporation or LLC offering any

combination of these services.

The bill also makes minor and conforming changes to reflect the practice of applying to DCP for registration.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 16 Nay 1 (03/15/2018)