



Substitute House Bill No. 7299

Public Act No. 19-177

AN ACT MAKING CHANGES TO DEPARTMENT OF CONSUMER PROTECTION ENFORCEMENT STATUTES.

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

Section 1. Subsection (b) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(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, 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 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h,

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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, 14-250 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, 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, subsection (b) of section 20-334, as amended by this act, 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, 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, as amended by this act, 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, 22-415, 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)

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of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 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 (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 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.

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Sec. 2. Subsection (b) of section 20-334 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(b) The Department of Consumer Protection shall furnish to each qualified applicant a license certifying that the holder thereof is entitled to engage in the work or occupation for which the person has been issued a license under this chapter, and the holder of such license shall carry it on his person while engaging in such work or occupation. Such license shall be shown to any properly interested person on request. No such license shall be transferred to or used by any person other than the person to whom the license was issued. Contractors ~~[shall] that fail to~~ display their state license number on all commercial vehicles used in their business and ~~[shall display such number]~~ in a conspicuous manner on all ~~[printed]~~ advertisements, bid proposals, contracts, invoices and on all stationery used in their business may be fined not more than five hundred dollars per violation, but shall not be fined for the first violation. The department shall keep a register in which shall be entered the names of all persons to whom such licenses are issued. The register shall be at all times open to public inspection.

Sec. 3. Section 21a-152 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Each bakery, food warehouse and food manufacturing establishment shall be designed, constructed and operated as the Commissioner of Consumer Protection directs pursuant to sections 21a-151 to ~~[21a-159]~~ 21a-160, inclusive, as amended by this act, and chapter 418. The provisions of this subsection requiring the commissioner to direct the design and construction of a food warehouse shall not be required for a food warehouse that was registered in good standing pursuant to section 21a-160, as amended by this act, prior to October 1, 2019, provided the warehouse is in good repair so that stored food is properly protected and the premises is free

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of pests. Each bakery, food warehouse and food manufacturing establishment remains subject to the provisions of chapter 418.

(b) No person, firm or corporation shall operate a bakery, food warehouse or food manufacturing establishment with the intent of producing or storing products for human consumption without having obtained from said commissioner a license. Application for such license shall be made on forms, furnished by the commissioner, showing the name and address of such bakery, food warehouse or food manufacturing establishment. Bakeries shall show the number of persons engaged in the production of bread and pastry products, excluding porters, dishwashers, drivers, sales personnel and other employees not directly engaged in such production. The commissioner shall cause an inspection to be made of the premises described in the application and, if conditions are found satisfactory, such license shall be issued. No person, firm or corporation operating a bakery, food warehouse or any agent, servant or employee thereof, shall refuse, hinder or otherwise interfere with access by the commissioner or his authorized representative for the purpose of conducting an inspection. No person, firm or corporation shall (1) sell or distribute bread, cakes, doughnuts, crullers, pies, cookies, crackers, spaghetti, macaroni or other food products, including frozen or canned baked goods made in whole or in part of flour or meal produced in any bakery located within or beyond the boundaries of this state, [or shall] (2) sell or distribute food produced in a food manufacturing establishment located within the boundaries of this state, or (3) store any food for wholesale distribution in a food warehouse, unless such bakery, food warehouse or food manufacturing establishment has obtained a license from said commissioner. Facilities licensed pursuant to chapter 417 as food vendors and frozen dessert vendors, and all facilities licensed pursuant to chapters 419a and 430 shall be exempt from such licensing requirement. The commissioner may promulgate regulations excepting out-of-state manufacturers of products, commonly known as cookies,

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crackers, brown bread or plum puddings in hermetically sealed containers and other similar products, from the license provisions of this section. Such license shall be valid for one year and a fee therefor shall be collected as follows: From a person, firm or corporation owning or conducting a bakery in which there are four persons or fewer engaged in the production of bread and pastry products, twenty dollars; in which there are not fewer than five nor more than nine persons so engaged, forty dollars; in which there are not fewer than ten nor more than twenty-four persons so engaged, one hundred dollars; in which there are not fewer than twenty-five nor more than ninety-nine persons so engaged, two hundred dollars; in which there are more than one hundred persons so engaged, two hundred fifty dollars. The fee for a food manufacturer license shall be twenty dollars annually. No prior inspection by the commissioner shall be necessary for a food warehouse registered under section 21a-160, as amended by this act, prior to October 1, 2019, which is required to transfer its registration to a new license under the provisions of this subsection.

(c) A bakery, food warehouse or food manufacturer license may be revoked by said commissioner for violation of sections 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act, after a hearing conducted in accordance with chapter 54. In addition, a bakery or food manufacturer license may be summarily suspended pending a hearing if said commissioner has reason to believe that the public health, safety or welfare imperatively requires emergency action. Within ten days following the suspension order said commissioner shall cause to be held a hearing which shall be conducted in accordance with the provisions of said chapter 54. Following said hearing said commissioner shall dissolve such suspension or order revocation of the bakery, food warehouse or food manufacturer license. Any person, firm or corporation whose license has been revoked may make application for a new license and said commissioner shall act on such application within thirty days of receipt. The costs of any inspections

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necessary to determine whether or not an applicant, whose license has been revoked, is entitled to have a new license granted shall be borne by the applicant at such rates as the commissioner may determine. Said commissioner may refuse to grant any bakery, food warehouse or food manufacturer license if he or she finds that the applicant has evidenced a pattern of noncompliance with the provisions of sections 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act. Prima facie evidence of a pattern of noncompliance shall be established if said commissioner shows that the applicant has had two or more bakery, food warehouse or food manufacturer licenses revoked.

(d) All vehicles used in the transportation of bakery or food warehouse products shall be kept in a sanitary condition and shall have the name and address of the bakery, or food warehouse owner, operator or distributor legibly printed on both sides. Each compartment in which unwrapped bakery or food warehouse products are transported shall be enclosed in a manner approved by the commissioner.

(e) The provisions of this section shall not prevent local health authorities from enforcing orders or regulations concerning the sanitary condition of bakeries. [or food manufacturing establishments.]

(f) Any person who desires to obtain a license under the provisions of sections 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act, shall first obtain and present to the commissioner a certificate of approval of the location for which such license is desired. The certificate of approval shall be obtained from the zoning commission, planning and zoning commission or local authority of the town, city or borough in which the facility is located or is proposed to be located. A certificate of approval shall not be required in the case of the transfer of the last issued license from one person to another or in the case of a renewal of a license by the holder of the license. The commissioner shall not issue any license under the provisions of sections 21a-151 to

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[21a-159] 21a-160, inclusive, as amended by this act, for which a certificate of approval is required until such certificate of approval is obtained by the license applicant. The provisions of this subsection requiring a certificate of approval from the zoning commission or other local authority shall not apply to any food warehouse that was registered in good standing pursuant to section 21a-160, as amended by this act, prior to October 1, 2019.

Sec. 4. Section 21a-156 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

The commissioner shall, from time to time, after inquiry and public hearing, adopt and promulgate regulations to supplement and give full effect to the provisions of sections 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act. Such regulations, among other things, may establish sanitary requirements pertaining to the manufacture and distribution of bread and pastry products. Such regulations may also cover provisions restricting the sale of dangerous, harmful and unwholesome bread and pastry products, the labeling of bread and pastry products, the inspection of bakeries and the establishment of costs for special inspections. The commissioner shall annually review the amounts of bakery and food warehouse license fees referred to in subsection (b) of section 21a-152, as amended by this act, and shall increase such fees in order to reflect the costs to the department of carrying out the provisions of sections 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act.

Sec. 5. Section 21a-157 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

No employer shall knowingly permit to work in his or her bakery, food warehouse or food manufacturing establishment any person who is affected with any pathogen that is contained in the Centers for Disease Control and Prevention's "List of Infectious and

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Communicable Diseases which are Transmitted Through the Food Supply", as amended from time to time, except in those cases in which the director of health has given written authorization stating that the public health is not endangered, and each employer shall maintain himself or herself and his or her employees in a clean and sanitary condition, with clean, washable outer clothing, while engaged in the manufacture, handling or sale of food products. The commissioner or his or her authorized agents may order any person employed in a bakery, food warehouse or food manufacturing establishment to be examined by a licensed physician if he or she has reason to believe that such employee has a condition that may transmit a food-borne illness. No person shall be allowed to smoke in a bakery, food warehouse or food manufacturing establishment while in the performance of his or her duty.

Sec. 6. Section 21a-158 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

The owner, agent or lessee of any property used as a bakery, food warehouse or food manufacturing establishment shall, within thirty days after the service of notice upon him or her of an order issued by the Commissioner of Consumer Protection, comply therewith or cease to use or allow the use of such premises as a bakery, food warehouse or food manufacturing establishment. Such notice shall be in writing and may be served upon such owner, agent or lessee, either personally or by mail, and a notice by registered or certified letter, mailed to the last-known address of such owner, agent or lessee, shall be sufficient service.

Sec. 7. Section 21a-159 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Any person who violates any provision of sections 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act, or any regulation

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made thereunder, or fails to comply with an order of the Commissioner of Consumer Protection, shall (1) for a first offense, be fined not more than two hundred fifty dollars, and (2) for any subsequent offense, be guilty of a class D misdemeanor.

(b) The commissioner may apply to the Superior Court for and such court may, upon hearing and for cause shown, grant a temporary or permanent injunction enjoining any person from operating a bakery, food warehouse or food manufacturing establishment without a license issued in accordance with sections 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act, irrespective of whether or not there exists an adequate remedy at law. The commissioner also may apply to the Superior Court for, and such court shall have jurisdiction to grant, a temporary restraining order pending a hearing. Such application for injunctive or other appropriate relief shall be brought by the Attorney General.

(c) The Commissioner of Consumer Protection, after providing notice and conducting a hearing in accordance with the provisions of chapter 54, may issue a warning citation or impose a civil penalty of not more than one hundred dollars for the first offense and not more than five hundred dollars for each subsequent offense on any person who violates any provision of sections 21a-151 to [21a-159] 21a-160, inclusive, as amended by this act, or any regulation adopted pursuant to section 21a-156, as amended by this act.

Sec. 8. Section 21a-160 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

No person, firm or corporation shall operate a food warehouse without having obtained a [certificate of registration] license from the Commissioner of Consumer Protection. Application for a [certificate of registration] license shall be on forms prescribed by the commissioner. The commissioner shall issue a [certificate of registration] license to an

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applicant who has completed such forms to the satisfaction of the commissioner and has paid the [registration] license fee. A [certificate of registration] license shall be valid for one year and the fee for such [certificate of registration] license shall be twenty dollars.

Sec. 9. Section 20-330 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

As used in this chapter:

(1) "Contractor" means any person regularly offering to the general public services of such person or such person's employees in the field of electrical work, plumbing and piping work, solar work, heating, piping, cooling and sheet metal work, fire protection sprinkler systems work, elevator installation, repair and maintenance work, irrigation work, automotive glass work or flat glass work, as defined in this section;

(2) "Electrical work" means the installation, erection, maintenance, inspection, testing, alteration or repair of any wire, cable, conduit, busway, raceway, support, insulator, conductor, appliance, apparatus, fixture or equipment that generates, transforms, transmits or uses electrical energy for light, heat, power or other purposes, but does not include low voltage wiring, not exceeding twenty-four volts, used within a lawn sprinkler system;

(3) "Plumbing and piping work" means the installation, repair, replacement, alteration, [or] maintenance, inspection or testing of gas, water and associated fixtures, tubing and piping mains and branch lines up to and including the closest valve to a machine or equipment used in the manufacturing process, laboratory equipment, sanitary equipment, other than subsurface sewage disposal systems, fire prevention apparatus, all water systems for human usage, sewage treatment facilities and all associated fittings within a building and

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includes lateral storm and sanitary lines from buildings to the mains, process piping, swimming pools and pumping equipment, and includes making connections to back flow prevention devices, and includes low voltage wiring, not exceeding twenty-four volts, used within a lawn sprinkler system, but does not include (A) solar thermal work performed pursuant to a certificate held as provided in section 20-334g, except for the repair of those portions of a solar hot water heating system that include the basic domestic hot water tank and the tie-in to the potable water system, (B) the installation, repair, replacement, alteration, [or] maintenance, inspection or testing of fire prevention apparatus within a structure, except for standpipes that are not connected to sprinkler systems, (C) medical gas and vacuum systems work, and (D) millwright work. For the purposes of this subdivision, "process piping" means piping or tubing that conveys liquid or gas that is used directly in the production of a chemical or a product for human consumption;

(4) "Solar thermal work" means the installation, erection, repair, replacement, alteration, [or] maintenance, inspection or testing of active, passive and hybrid solar systems that directly convert ambient energy into heat or convey, store or distribute such ambient energy;

(5) "Heating, piping and cooling work" means (A) the installation, repair, replacement, maintenance, inspection, testing or alteration of any apparatus for piping, appliances, devices or accessories for heating systems, including sheet metal work, (B) the installation, repair, replacement, maintenance, inspection, testing or alteration of air conditioning and refrigeration systems, boilers, including apparatus and piping for the generation or conveyance of steam and associated pumping equipment and process piping and the installation of tubing and piping mains and branch lines up to and including the closest valve to a machine or equipment used in the manufacturing process [,] and onsite testing and balancing of hydronic, steam and combustion

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air, but excluding millwright work, and (C) on-site operation, by manipulating, adjusting or controlling, with sufficient technical knowledge, as determined by the commissioner, (i) heating systems with a steam or water boiler maximum operating pressure of fifteen pounds per square inch gauge or greater, or (ii) air conditioning or refrigeration systems with an aggregate of more than fifty horsepower or kilowatt equivalency of fifty horsepower or of two hundred pounds of refrigerant. Heating, piping and cooling work does not include solar thermal work performed pursuant to a certificate held as provided in section 20-334g, or medical gas and vacuum systems work or the passive monitoring of heating, air conditioning or refrigeration systems. For the purposes of this subdivision, "process piping" means piping or tubing that conveys liquid or gas that is used directly in the production of a chemical or a product for human consumption;

(6) "Apprentice" means any person registered with the Labor Department for the purpose of learning a skilled trade;

(7) "Elevator installation, repair and maintenance work" means the installation, erection, maintenance, inspection, testing and repair of all types of elevators, dumb waiters, escalators, and moving walks and all mechanical equipment, fittings, associated piping and wiring from a source of supply brought to the equipment room by an unlimited electrical contractor for all types of machines used to hoist or convey persons or materials, but does not include temporary hoisting machines used for hoisting materials in connection with any construction job or project, provided "elevator inspection" includes the visual examination of an elevator system or portion of a system, with or without the disassembly or removal of component parts;

(8) "Elevator maintenance" means the lubrication, inspection, testing and replacement of controls, hoistway and car parts;

(9) "Fire protection sprinkler systems work" means the layout, on-

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site fabrication, installation, alteration, maintenance, inspection, testing or repair of any automatic or manual sprinkler system designed for the protection of the interior or exterior of a building or structure from fire, or any piping or tubing and appurtenances and equipment pertaining to such system including overhead and underground water mains, fire hydrants and hydrant mains, standpipes and hose connections to sprinkler systems, sprinkler tank heaters excluding electrical wiring, air lines and thermal systems used in connection with sprinkler and alarm systems connected thereto, foam extinguishing systems or special hazard systems including water spray, foam, carbon dioxide or dry chemical systems, halon and other liquid or gas fire suppression systems, but does not include (A) any engineering design work connected with the layout of fire protection sprinkler systems, or (B) any work performed by employees of or contractors hired by a public water system, as defined in subsection (a) of section 25-33d;

(10) "State Fire Marshal" means the State Fire Marshal appointed by the Commissioner of Administrative Services;

(11) "Journeyman sprinkler fitter" means a specialized pipe fitter craftsman, experienced and skilled in the installation, alteration, maintenance and repair of fire protection sprinkler systems;

(12) "Irrigation work" means making the connections to and the inspection and testing of back flow prevention devices, and low voltage wiring, not exceeding twenty-four volts, used within a lawn sprinkler system;

(13) "Sheet metal work" means the onsite layout, installation, erection, replacement, repair or alteration, including, but not limited to, onsite testing and balancing of related life safety components, environmental air, heating, ventilating and air conditioning systems by manipulating, adjusting or controlling such systems for optimum balance performance of any duct work system, ferrous, nonferrous or

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other material for ductwork systems, components, devices, air louvers or accessories, in accordance with the State Building Code;

(14) "Journeyman sheet metal worker" means an experienced craftsman skilled in the installation, erection, replacement, repair or alteration of duct work systems, both ferrous and nonferrous;

(15) "Automotive glass work" means installing, maintaining or repairing fixed glass in motor vehicles;

(16) "Flat glass work" means installing, maintaining or repairing glass in residential or commercial structures;

(17) "Medical gas and vacuum systems work" means the work and practice, materials, instrumentation and fixtures used in the construction, installation, alteration, extension, removal, repair, maintenance, inspection, testing or renovation of gas and vacuum systems and equipment used solely to transport gases for medical purposes and to remove liquids, air-gases or solids from such systems;

(18) "Solar electricity work" means the installation, erection, repair, replacement, alteration, [or] maintenance, inspection and testing of photovoltaic or wind generation equipment used to distribute or store ambient energy for heat, light, power or other purposes to a point immediately inside any structure or adjacent to an end use;

(19) "Active solar system" means a system that uses an external source of energy to power a motor-driven fan or pump to force the circulation of a fluid through solar heat collectors and which removes the sun's heat from the collectors and transports such heat to a location where it may be used or stored;

(20) "Passive solar system" means a system that is capable of collecting or storing the sun's energy as heat without the use of a motor-driven fan or pump;

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(21) "Hybrid solar system" means a system that contains components of both an active solar system and a passive solar system;

(22) "Gas hearth product work" means the installation, service, inspection, testing or repair of a propane or natural gas fired fireplace, fireplace insert, stove or log set and associated venting and piping that simulates a flame of a solid fuel fire. "Gas hearth product work" does not include (A) fuel piping work, (B) the servicing of fuel piping, or (C) work associated with pressure regulating devices, except for appliances gas valves; [and]

(23) "Millwright work" means the installation, repair, replacement, maintenance or alteration, including the inspection and testing, of (A) power generation machinery, or (B) industrial machinery, including the related interconnection of piping and tubing used in the manufacturing process, but does not include the performance of any action for which licensure is required under this chapter; [.]

(24) "Inspection" means the examination of a system or portion of a system, involving the disassembly or removal of component parts of the system; and

(25) "Testing" means to determine the status of a system as intended for its use, with or without the disassembly of component parts of the system, by the use of testing and measurement instruments.

Sec. 10. Section 30-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) The Department of Consumer Protection may, in its discretion, revoke, [or] suspend or place conditions on any permit or provisional permit or impose a fine of not greater than one thousand dollars, upon cause found after hearing, provided ten days' written notice of such hearing has been given to the permittee setting forth, with the particulars required in civil pleadings, the charges upon which such

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proposed revocation, [or] suspension or fine is predicated. Any appeal from such order of revocation, [or] suspension or fine shall be taken in accordance with the provisions of section 4-183.

(b) The surrender of a permit or provisional permit for cancellation or the expiration of a permit shall not prevent the department from suspending or revoking any such permit pursuant to the provisions of this section.

Sec. 11. Subdivision (4) of subsection (c) of section 21a-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) In addition to any other action permitted under the general statutes, the commissioner may, upon a finding of any cause specified in subsection (c) of section 21a-9: (A) Revoke or suspend a license, registration or certificate; (B) issue a letter of reprimand to a practitioner and send a copy of such letter to a complainant or to a state or local official; (C) place a practitioner on probationary status and require the practitioner to (i) report regularly to the commissioner on the matter which is the basis for probation, (ii) limit the practitioner's practice to areas prescribed by the commissioner, or (iii) continue or renew the practitioner's education until the practitioner has attained a satisfactory level of competence in any area which is the basis for probation. The commissioner may discontinue, suspend or rescind any action taken under this subdivision. If a license, registration or certificate is voluntarily surrendered or is not renewed, the commissioner shall not be prohibited from suspending, revoking or imposing other penalties permitted by law on any such license, registration or certificate.

Sec. 12. Subsection (a) of section 20-455 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(a) The commission or department may hold hearings on any matter under the provisions of sections 20-450 to 20-462, inclusive, as amended by this act. The commission or department may issue subpoenas, administer oaths, compel testimony and order the production of books, records and documents. If any person refuses to appear, to testify or to produce any book, record, paper or document when so ordered, upon application of the commission or department, a judge of the Superior Court may make such order as may be appropriate to aid in the enforcement of this section. Upon a finding of the commission or department, following a hearing, that an individual has held themselves out as a community association manager without the proper registration, the commission or department may issue a cease and desist order and fine the respondent not more than five hundred dollars.

Sec. 13. Section 20-288 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

As used in this chapter:

(1) "Board" means the Architectural Licensing Board appointed under the provisions of section 20-289, as amended by this act;

(2) "Architect" means a person who engages in the practice of architecture; [and]

(3) "The practice of architecture" or "practice architecture" means rendering or offering to render service by consultation, investigation, evaluations, preliminary studies, plans, specifications and coordination of structural factors concerning the aesthetic or structural design and contract administration of building construction or any other service in connection with the designing or contract administration of building construction located within the boundaries of this state, regardless of whether any person performing such duties

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is performing one or all of such duties or whether such person is performing them in person or as the directing head of an office or organization performing them; [.] and

(4) "Architect Emeritus" means an honorific title granted to a previously licensed architect who has retired from the active practice of architecture.

Sec. 14. Section 20-289 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

There shall be an Architectural Licensing Board in the Department of Consumer Protection. The board shall consist of five members. The Governor shall appoint two members of the board who shall be public members and three members of the board who shall be architects residing in this state. The Governor shall have the power to remove any member from office for misconduct, incapacity or neglect of duty. Members shall not be compensated for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties. The board shall keep a record of its proceedings and a roster of all licensed architects entitled to practice architecture and of all persons holding certificates of authority under sections 20-295 and 20-295a of the general statutes, revised to 1968, and corporations holding certificates of authorization for the practice of architecture under section 20-298b, as amended by this act, in this state. The [board] department shall adopt regulations, in consultation with the board and in accordance with chapter 54, concerning eligibility for architectural licensing examinations, appeals of examination grades, reciprocal licensing, requirements for continuing education for renewal of licensure, qualifications for registration for Architect Emeritus and such other matters as the [board] department deems necessary to carry out the purposes of this chapter. The board shall, annually, prepare a roster of all licensed architects and the last-known mailing address of such architects. A copy of such roster shall be placed on file with the

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Secretary of the State and with the town building department of each town. The Commissioner of Consumer Protection, with advice and assistance from the board, shall adopt regulations, in accordance with chapter 54, (1) concerning professional ethics and conduct appropriate to establish and maintain a high standard of integrity and dignity in the practice of the profession, and (2) for the conduct of the board's affairs and for the examination of applicants for a license. The board shall, after public notice, hold at least one meeting per quarter, in each calendar year, for the purpose of considering applications for licenses and for the transaction of other business. Any person aggrieved by an order made under this chapter may appeal from such order as provided in section 4-183. Appeals under this section shall be privileged in respect to the order of trial and assignment.

Sec. 15. Section 20-291 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

No person shall receive a license under the provisions of this chapter until such person has passed an examination in such technical and professional subjects as may be prescribed by the board, with the consent of the Commissioner of Consumer Protection. Each person who applies to the [board] Department of Consumer Protection for a license under the provisions of this chapter [] shall submit an application, together with evidence of education and training experience as prescribed by the commissioner, in consultation with the board, in regulations adopted in accordance with chapter 54. The board or the commissioner may accept in the case of any architect currently registered or licensed in another state in lieu of the examination (1) a certificate of registration issued by the National Council of Architectural Registration Boards; or (2) evidence satisfactory to the board or the commissioner that such architect is registered in a state having registration requirements substantially equal to the licensure requirements of this state and that such architect

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has been practicing in such other state for a period of at least ten years. When the applicant has passed such examination to the satisfaction of a majority of the board or the commissioner and has paid to the [secretary of the board] department the fees prescribed in section 20-292, as amended by this act, the [Department of Consumer Protection] department shall enroll the applicant's name and address in the roster of licensed architects and issue a license to the applicant, which shall entitle the applicant to practice as an architect in this state.

Sec. 16. Section 20-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Each licensed architect shall renew his or her license [each year and pay] annually. Pursuant to section 20-289, as amended by this act, a licensee shall pay to the department the professional services fee for class F, as defined in section 33-182l and shall submit proof of completion of continuing education requirements.

(b) Each corporation holding a certificate of authorization for the practice of architecture shall renew its certificate of authorization for the practice of architecture each year and pay to the department a renewal fee of two hundred twenty dollars.

(c) An applicant for examination or reexamination under this chapter shall pay a nonrefundable fee of seventy-two dollars and an amount sufficient to meet the cost of conducting each portion of the examination taken by such applicant. The fee for an applicant who qualifies for a license, other than by examination, in accordance with the provisions of section 20-291, as amended by this act, shall be one hundred dollars.

(d) Pursuant to section 20-289, as amended by this act, an architect who is retired and not practicing any aspect of architecture and who is (1) sixty-five years of age or older, or (2) has been licensed for a

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minimum of ten years in this state, may apply for registration as an Architect Emeritus. The fee for such registration shall be ten dollars. An Architect Emeritus may not engage in the practice of architecture without applying for and receiving an architect license.

Sec. 17. Section 20-294 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

The Commissioner of Consumer Protection or the board may suspend for a definite period, not to exceed one year, or revoke any license or certificate of authority issued under this chapter, after notice and hearing in accordance with the regulations adopted by the Commissioner of Consumer Protection, or may officially censure any person holding any such license or certificate of authority and may assess a civil penalty of up to one thousand dollars per violation, (1) if it is shown that the license or certificate was obtained through fraud or misrepresentation, (2) if the holder of the license or certificate has been found guilty by the board, the commissioner or by a court of competent jurisdiction of any fraud or deceit in such holder's professional practice or has been convicted of a felony, (3) if the holder of the license or certificate has been found guilty by the board or the commissioner of gross incompetency or of negligence in the planning or construction of buildings, or (4) if it is shown to the satisfaction of the board or the commissioner that the holder of the license or certificate has violated any provision of this chapter or any regulation adopted under this chapter. Any such suspension or revocation of a license or certificate by the board shall be a proposed final decision and submitted to the commissioner in accordance with the provisions of subsection (b) of section 21a-7. The board or the commissioner may reissue any such license or certificate which has been revoked, and may modify the suspension of any such license or certificate which has been suspended.

Sec. 18. Section 20-298b of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) The practice of architecture or the offer to practice architecture in this state by individual licensed architects under the corporate form or by a corporation, a material part of the business of which includes architecture, is permitted, provided (1) such personnel of such corporation [as] act [in] on its behalf as architects [,] and its chief executive officer [and the holder or holders of not less than two-thirds of the voting stock thereof are] is licensed under the provisions of this chapter, [and] (2) if such corporation is a professional corporation, not less than two-thirds of the voting stock thereof is held by an individual or individuals who are licensed under the provisions of this chapter, and (3) such corporation has been issued a certificate of authorization by the board. If such professional corporation has adopted an employee stock ownership plan, as defined in Section 4975(e)(7) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, for purposes of meeting the two-thirds ownership requirement for professional corporations, voting stock held by such employee stock ownership plan shall be accepted in lieu of, or in addition to, the amount of voting stock held by the licensees of such professional corporation, provided not less than two-thirds of the trustees of such employee stock ownership plan are licensed under the provisions of this chapter. No such corporation 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 architecture be relieved of responsibility for architectural services performed by reason of his or her employment or relationship with such corporation.

(b) A qualifying corporation desiring a certificate of authorization shall file with the board an application upon a form prescribed by the board. Such application shall state (1) the name and address of such

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corporation, (2) the city or town and the street and number where such corporation is to maintain its principal office in this state, (3) the names and addresses of all of its stockholders, directors and officers, (4) if such corporation is a professional corporation, a statement as to whether or not the holder or holders of at least two-thirds of the voting stock of such corporation are persons holding a license issued by the board, (5) if such corporation has adopted an employee stock ownership plan, as specified in subsection (a) of this section, the names and addresses of the trustees of such plan, and [(5)] (6) such other information as may be required by the board. If such professional corporation has adopted an employee stock ownership plan, as specified in subsection (a) of this section, for purposes of meeting the two-thirds ownership requirement for professional corporations, voting stock held by such employee stock ownership plan shall be accepted in lieu of, or in addition to, the amount of voting stock held by the licensees of such professional corporation, provided not less than two-thirds of the trustees of such employee stock ownership plan are licensed under the provisions of this chapter. The application shall be accompanied by an application fee of fifty dollars. If all requirements of this chapter are met, the board shall issue to such corporation a certificate of authorization within sixty days of such application, provided the board may refuse to issue a certificate if any facts exist which would entitle the board to suspend or revoke an existing certificate. After obtaining such certificate of authorization, any such corporation may practice architecture subject to the regulations adopted under this chapter. All plans, specifications, sketches, drawings and documents pertaining to any such services rendered by the corporation shall be signed and bear the seal of a Connecticut licensed architect in accordance with the provisions of section 20-293 and the regulations adopted under this chapter. Each certificate of authorization issued under this section shall be renewable annually if all requirements of this chapter are met, provided the board may refuse to renew a certificate if any facts exist which would entitle

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the board to suspend or revoke an existing certificate. A professional corporation holding a certificate of authorization under this section shall report any changes in the ownership of its shares of stock, [or in] the person holding the chief executive office, or the person or persons, if any, holding the position of employee stock ownership plan trustee to the board within thirty days after any such change.

(c) Any certificate of authorization issued by the board under this section may be suspended, for a period not to exceed one year, or revoked by the board after notice and hearing in accordance with the regulations adopted by the Commissioner of Consumer Protection, if it is shown that: (1) The holder of such certificate of authorization does not conform to the requirements of this section; (2) the certificate was obtained through fraud or misrepresentation; or (3) the chief executive officer, the individual holder of any of the stock of the corporation holding such certificate of authorization, [or] any licensed architect employed by or acting on behalf of such corporation or any trustee of an employee stock ownership plan has been censured or has had his or her certificate of registration suspended or revoked by the board pursuant to the provisions of section 20-294, as amended by this act.

(d) Each corporation holding a certificate of authorization under this section shall file with the board a designation of an individual or individuals licensed to practice architecture in this state who shall be in charge of architectural work by such corporation in this state. Such corporation shall notify the board of any change in such designation within thirty days after such change becomes effective.

(e) Nothing in this section shall be construed to prohibit any corporation in existence prior to 1933, whose charter authorizes the practice of architecture, from continuing to make plans and specifications and supervise construction as authorized by section 20-290.

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(f) Not less than two-thirds of the individual members of a limited liability company or owners of a professional 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 professional corporation, provided, in the case of a corporation that practices or offers to practice architectural services that has adopted an employee stock ownership plan as described in subsection (a) of this section, the requirements of this subsection shall be satisfied if such corporation meets the requirements of subsection (a) of this section.

Sec. 19. Section 20-450 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

As used in sections 20-450 to 20-462, inclusive, as amended by this act, unless the context otherwise requires:

(1) "Association" means (A) an association, as defined in section 47-202, and an association of unit owners, as defined in section 47-68a and in section 47-68 of the general statutes, revision of 1958, revised to January 1, 1975, and (B) the mandatory owners organization of any common interest community, as defined in section 47-202, which community was not created under chapter 825 or 828 or under chapter 825 of the general statutes, revision of 1958, revised to January 1, 1975. "Association" does not include an association of a common interest community which contains only units restricted to nonresidential use;

(2) "Community association manager" means a [person who provides association management services, and includes any partner, director, officer, employee or agent of such] natural person who directly provides association management services; [on behalf of such person;]

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(3) "Association management services" means services provided to an association for remuneration, including one or more of the following: (A) Collecting, controlling or disbursing funds of the association or having the authority to do so; (B) preparing budgets or other financial documents for the association; (C) assisting in the conduct of or conducting association meetings; (D) advising or assisting the association in obtaining insurance; (E) coordinating or supervising the overall operations of the association; and (F) advising the association on the overall operations of the association. Any person licensed in this state under any provision of the general statutes or rules of court who provides the services for which such person is licensed to an association for remuneration shall not be deemed to be providing association management services. Any director, officer or other member of an association who provides services specified in this subdivision to the association of which he or she is a member shall not be deemed to be providing association management services unless such director, officer or other member owns or controls more than two-thirds but less than all of the votes in such association;

(4) "Commission" means the Connecticut Real Estate Commission appointed under the provisions of section 20-311a;

(5) "Department" means the Department of Consumer Protection; [and]

(6) "Person" means an individual, partnership, corporation, limited liability company or other legal entity; [.] and

(7) "Community association manager trainee" means a natural person working under the direct supervision of a community association manager, for the purpose of being trained in the provision of association management services.

Sec. 20. Section 20-451 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2019*):

[No] (a) Except as otherwise provided in this section, no person shall (1) hold himself or herself out to be a community association manager or a community association manager trainee, or (2) engage in providing association management services, without first obtaining a certificate of registration as provided in sections 20-450 to 20-462, inclusive, as amended by this act.

(b) A community association manager trainee may, for a period not to exceed six months, engage in association management services, so long as: (1) The community association manager trainee is directly supervised by, and acts under the direction of, a community association manager who holds a valid certificate of registration and who shall be liable for the actions or inactions of the community association manager trainee; and (2) the community association manager trainee has no authority to collect, control or disburse funds of the association. A certificate of registration as a community association manager trainee shall not be renewable.

(c) A community association manager may employ or contract with support or administrative staff, not registered as a community association manager, to engage in the following activities: (1) Answer the telephone, take messages, and forward calls to the community association manager; (2) update files and forms maintained by the community association manager; (3) schedule and coordinate meetings, teleconferences, service calls and responses to maintenance and repair requests; (4) copy documents prepared by either the association or the community association manager and prepare mailings to the unit owners, vendors and other third parties, as authorized by the association or the community association manager; (5) attend meetings with and provide administrative support services to the community association manager, including taking notes as needed to maintain accurate records for the association; (6) assist the

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community association manager in maintaining the association's financial information and records, including, but not limited to, responding to inquiries from unit owners regarding their accounts with the association and drafting checks for payments approved by the association or the community association manager, provided no unregistered support or administrative staff may have direct access to or control over association funds; and (7) implement the decisions and directions of the community association manager.

(d) The community association manager shall directly supervise, and assume liability for, work performed by any support or administrative staff member whether employee or contractor, who is not a registered community association manager or trainee, but who is providing services to an association. The community association manager shall ensure that such unlicensed person is: (1) Trained in the scope of work they are legally able to undertake in such role; and (2) operating in compliance with the provisions of this chapter.

Sec. 21. Section 20-452 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Any person seeking a certificate of registration as a community association manager or as a community association manager trainee shall apply to the department in writing, on a form provided by the department. Such application shall include the applicant's name, residence address, business address, business telephone number, a question as to whether the applicant has been convicted of a felony in any state or jurisdiction and such other information as the department may require. [On and after October 1, 2012, any] Except for a community association manager trainee, any person seeking an initial certificate of registration shall submit to a request by the commissioner for a state and national criminal history records check. No registration as a community association manager shall be issued unless the commissioner has received the results of such records check.

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(b) Each application for a certificate of registration as a community association manager shall be accompanied by an application fee of sixty dollars and a registration fee of one hundred dollars. The department shall refund the registration fee if it refuses to issue a certificate of registration. The department shall not charge either an application or a registration fee for a certificate of registration as a community association manager trainee.

Sec. 22. Section 20-453 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Upon receipt of a completed application and the appropriate fees, the department, upon authorization of the commission, shall: (1) Issue and deliver to the applicant a certificate of registration; or (2) refuse to issue the certificate. The commission may suspend, revoke or refuse to issue or renew any certificate issued under sections 20-450 to 20-462, inclusive, as amended by this act, or may place a registrant on probation or issue a letter of reprimand for any of the reasons stated in section 20-456, as amended by this act. No application for the reinstatement of a certificate which has been revoked shall be accepted by the department within one year after the date of such revocation.

(b) Any person issued an initial certificate of registration [on or after] as a community association manager prior to October 1, [2012] 2019, shall, not later than one year following the date of issuance of such certificate, successfully complete a nationally recognized course on community association management and pass the National Board of Certification for Community Association Managers' Certified Manager of Community Associations examination, or a similar examination as may be prescribed by the Commissioner of Consumer Protection in regulations adopted pursuant to subsection [(d)] (c) of this section.

[(c) Any person who is a holder of a certificate of registration issued

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prior to October 1, 2012, who has held such certificate for (1) less than ten years shall, on or before October 1, 2014, successfully complete a nationally recognized course on community association management and pass the National Board of Certification for Community Association Managers' Certified Manager of Community Associations examination, or a similar examination as may be prescribed by the Commissioner of Consumer Protection in regulations adopted pursuant to subsection (d) of this section, or (2) ten years or more shall, on or before October 1, 2014, successfully complete a nationally recognized course on community association management.]

[[d)] (c) The department, with the advice and assistance of the commission, shall adopt regulations, in accordance with chapter 54, concerning any examination required for certification under this chapter and the approval of schools, institutions or organizations offering courses in current practices and laws concerning community association management and the content of such courses. Such regulations shall include, but not be limited to: (1) Specifications for meeting the educational requirements prescribed in this section; and (2) exemptions from the educational requirements for reasons of health or instances of individual hardship. In adopting such regulations, the department may not disapprove a school, institution or organization that offers an examination or courses in current practices and laws concerning community association management solely because its examination or courses are offered or taught by electronic means, nor may the department disapprove an examination or course solely because it is offered or taught by electronic means.

(d) An applicant for renewal of registration as a community association manager shall, in addition to the other requirements imposed by the provisions of this chapter, complete sixteen hours of continuing education over the course of the two-year period, retain proof of completion, and, upon request, provide such proof to the

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department. Continuing education shall consist of a course or courses, offered by the Connecticut Chapter of the Community Associations Institute, in community association management techniques and common interest community law, or similar courses as may be prescribed by the Commissioner of Consumer Protection in regulations adopted pursuant to this chapter.

Sec. 23. Section 20-454 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Upon refusal to issue or renew a certificate, the department shall notify the applicant of the denial and of his or her right to request a hearing [within] not later than ten days [from] after the date of receipt of the notice of denial.

(b) [In the event] If the applicant requests a hearing within such ten days, the [commission] department shall give notice of the grounds for its refusal to issue or renew the certificate and shall conduct a hearing concerning such refusal in accordance with the provisions of chapter 54 concerning contested cases.

(c) [In the event] If the department or commission's [denial] refusal of a certificate is sustained after such hearing, an applicant may make a new application not less than one year after the date on which such [denial] refusal was sustained.

Sec. 24. Section 20-456 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) The department or commission may revoke, suspend or refuse to issue or renew any certificate of registration as a community association manager or community association manager trainee, place [a registrant on probation] conditions upon such registrations or issue a [letter] civil penalty of [reprimand] up to one thousand dollars per violation for: (1) Making any material misrepresentation; (2) making

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any false promise of a character likely to influence, persuade or induce; (3) failing, within a reasonable time, to account for or remit any moneys coming into his possession which belong to others; (4) conviction in a court of competent jurisdiction of this or any other state of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or other like offense or offenses, provided suspension or revocation under this subdivision shall be subject to the provisions of section 46a-80; (5) commingling funds of others in an escrow or trustee account; (6) commingling funds of different associations; (7) any act or conduct which constitutes dishonest, fraudulent or improper dealings; (8) a knowing and material violation of any provision of chapter 825 or 828; or (9) a violation of any provision of sections 20-450 to 20-462, inclusive, as amended by this act, including, but not limited to, failure to comply with the educational requirements prescribed in section 20-453, as amended by this act, or any regulation adopted under section 20-461.

(b) The department or commission shall not revoke or suspend any certificate of registration except upon notice and hearing in accordance with chapter 54.

Sec. 25. Section 20-457 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) Each [person engaged in providing] community association [management services] manager shall (1) exhibit his or her certificate of registration upon request by any interested party, (2) state in any advertisement the fact that he or she is registered, and (3) include his or her registration number in any advertisement. In the case of a business entity, the advertisement shall identify at least one principal, officer or director of the entity that is a community association manager and shall include the registration number of such principal, officer or director.

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(b) No person shall: (1) Present or attempt to present, as his or her own, the certificate of another, (2) knowingly give false evidence of a material nature to the commission or department for the purpose of procuring a certificate, (3) represent himself or herself falsely as, or impersonate, a registered community association manager, (4) use or attempt to use a certificate which has expired or which has been suspended or revoked, (5) offer to provide association management services without having a current certificate of registration under sections 20-450 to 20-462, inclusive, as amended by this act, (6) represent in any manner that his or her registration constitutes an endorsement of the quality of his or her services or of his or her competency by the commission or department. In addition to any other remedy provided for in sections 20-450 to 20-462, inclusive, as amended by this act, any person who violates any provision of this subsection shall, after an administrative hearing, be fined not more than one thousand dollars, or shall be imprisoned for not more than one year or be both fined and imprisoned. A violation of any of the provisions of sections 20-450 to 20-462, inclusive, as amended by this act, shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b.

(c) Certificates issued to community association managers shall not be transferable or assignable.

(d) All certificates issued to community association managers under the provisions of sections 20-450 to 20-462, inclusive, as amended by this act, shall expire annually on the thirty-first day of January. A holder of a certificate of registration who seeks to renew his or her certificate shall, when filing an application for renewal of the certificate, submit documentation to the department which establishes that he or she has passed any examination and completed any educational coursework, as the case may be, required for certification under this chapter. The fee for renewal of a certificate shall be two

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hundred dollars.

(e) A community association manager whose certificate has expired more than one month before his or her application for renewal is made shall have his or her registration restored upon payment of a fee of fifty dollars in addition to his or her renewal fee. Restoration of a registration shall be effective upon approval of the application for renewal by the commission or department.

(f) A certificate shall not be restored unless it is renewed not later than one year after its expiration.

[(e)] (g) Failure to receive a notice of expiration or a renewal application shall not exempt a community association manager from the obligation to renew.

(h) All certificates issued to community association manager trainees under the provisions of sections 20-450 to 20-462, inclusive, as amended by this act, shall expire six months from the date of issuance and shall not be renewable.

Sec. 26. Section 20-458 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) No contract between a person contracting to provide association management services and an association which provides for the management of the association shall be valid or enforceable unless the contract is in writing and provides that the person contracting to provide association management services or, in the case of a business entity, a principal, officer or director of such entity:

(1) [Provides that the person contracting to provide management services shall] Shall be registered as provided in sections 20-450 to 20-462, inclusive, as amended by this act, and shall obtain [a bond] insurance as provided in section 20-460, as amended by this act; and

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(2) [Provides that the person contracting to provide management services shall] Shall not issue a check on behalf of the association or transfer moneys exceeding a specified amount determined by the association without the written approval of an officer designated by the association; and

(3) [Provides that the person contracting to provide management services shall] Shall not enter into any contract binding the association exceeding a specified amount determined by the association, except in the case of an emergency, without the written approval of an officer designated by the association.

(b) No contract to provide association management services shall:

(1) Be sold or assigned to another person without the approval of a majority of the executive board of the association; or

(2) Include any clause, covenant or agreement that indemnifies or holds harmless the person contracting to provide association management services from or against any liability for loss or damage resulting from such person's negligence or wilful misconduct.

Sec. 27. Section 20-460 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) No [person who provides] community association [management services under the provisions of sections 20-450 to 20-462, inclusive,] manager, nor any community association manager trainee or support or administrative staff employed or engaged by such community association manager 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 commercially available insurance policy complying with the provisions of this section that provides protection of such funds belonging to an association from the theft by a community association

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manager, a community association manager trainee, a community association management company or its employees.

(b) The commercially available insurance policy referred to in subsection (a) of this section shall: (1) Be written by an insurance company authorized to write such 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, community association manager trainee and all partners, officers, employees of the community association 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 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 policy may not cancel, substantially modify or refuse to renew the 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 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 amount which is not less than one-half the amount specified in

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subdivision (2) of subsection (b) of this section.

(d) The community association manager shall furnish to the department, upon request, a certificate of each policy required 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 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 policy, the cost of the 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 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 policy shall be furnished for each association for which a community association manager provides association management services, including the handling of funds.

(h) An insurance policy obtained and maintained by an association under section 47-255, which affords the coverages required in this section, shall be deemed compliant with this section.

Sec. 28. Section 20-633b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2020*):

(a) As used in this section:

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(1) "Medical order" means a written, oral or electronic order by a prescribing practitioner, as defined in section 20-14c, for a drug to be dispensed by a pharmacy for administration to a patient;

(2) "Sterile compounding pharmacy" means a pharmacy, as defined in section 20-571, a nonresident pharmacy registered pursuant to section 20-627, that dispenses or compounds sterile pharmaceuticals; [and]

(3) "Sterile pharmaceutical" means any dosage form of a drug, including, but not limited to, parenterals, injectables, surgical irrigants and ophthalmics devoid of viable microorganisms; [.] and

(4) "USP chapters" means chapters 797, 800 and 825 of the United States Pharmacopeia that pertain to compounding sterile pharmaceuticals and their referenced companion documents, as amended from time to time.

(b) (1) If an applicant for a new pharmacy license pursuant to section 20-594, as amended by this act, intends to compound sterile pharmaceuticals, the applicant shall file an addendum to its pharmacy license application to include sterile pharmaceutical compounding. The Department of Consumer Protection shall inspect the proposed pharmacy premises of the applicant and the applicant shall not compound sterile pharmaceuticals until it receives notice that the addendum application has been approved by the department and the Commission of Pharmacy.

(2) If an existing pharmacy licensed pursuant to section 20-594, as amended by this act, intends to compound sterile pharmaceuticals for the first time on or after July 1, 2014, such pharmacy shall file an addendum application to its application on file with the department to include sterile pharmaceutical compounding. The Department of Consumer Protection shall inspect the pharmacy premises and the

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pharmacy shall not compound sterile pharmaceuticals until it receives notice that such addendum application has been approved by the department and the Commission of Pharmacy.

(3) If an applicant for a nonresident pharmacy registration intends to compound sterile pharmaceuticals for sale or delivery in this state, the applicant shall file an addendum to its application to include sterile pharmaceutical compounding. The applicant shall provide the department with written proof it has passed inspection by the appropriate state agency in the state where such nonresident pharmacy is located. Such pharmacy shall not compound sterile pharmaceuticals for sale or delivery in this state until it receives notice that the addendum application has been approved by the department and the Commission of Pharmacy.

(4) If a nonresident pharmacy registered pursuant to section 20-627 intends to compound sterile pharmaceuticals for sale or delivery in this state for the first time on or after July 1, 2014, the nonresident pharmacy shall file an addendum to its application to include sterile pharmaceutical compounding. The nonresident pharmacy shall provide the department with written proof it has passed inspection by the appropriate state agency in the state where such nonresident pharmacy is located. Such pharmacy shall not compound sterile pharmaceuticals until it receives notice that the addendum application has been approved by the department and the Commission of Pharmacy.

(c) A sterile compounding pharmacy shall comply with the [most recent version of the United States Pharmacopeia, Pharmaceutical Compounding - Sterile Preparations, as amended from time to time] USP chapters. A sterile compounding pharmacy shall also comply with all applicable federal and state statutes and regulations.

(d) An institutional pharmacy within a facility licensed pursuant to

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section 19a-490 that compounds sterile pharmaceuticals shall comply with the [most recent United States Pharmacopeia, Chapter 797, Pharmaceutical Compounding - Sterile Preparations, as amended from time to time] USP chapters, and shall also comply with all applicable federal and state statutes and regulations. Such institutional pharmacy may request from the Commissioner of Consumer Protection an extension of time, not to exceed six months, to comply, for state enforcement purposes, with any amendments to [Chapter 797] USP chapters, for good cause shown. The commissioner may grant an extension for a length of time not to exceed six months. Nothing [herein] in this section shall prevent such institutional pharmacy from requesting a subsequent extension of time or shall prevent the commissioner from granting such extension.

(e) (1) A sterile compounding pharmacy may only provide patient-specific sterile pharmaceuticals to patients, practitioners of medicine, osteopathy, podiatry, dentistry or veterinary medicine, or to an acute care or long-term care hospital or health care facility licensed by the Department of Public Health.

(2) If a sterile compounding pharmacy provides sterile pharmaceuticals without a patient-specific prescription or medical order, the sterile compounding pharmacy shall also obtain a certificate of registration from the Department of Consumer Protection pursuant to section 21a-70 and any required federal license or registration. A sterile compounding pharmacy may prepare and maintain on-site inventory of sterile pharmaceuticals no greater than a thirty-day supply, calculated from the completion of compounding, which thirty-day period shall include the period required for third-party analytical testing, to be performed in accordance with the [most recent United States Pharmacopeia, Chapter 797, Pharmaceutical Compounding - Sterile Preparations, as amended from time to time] USP chapters.

(f) (1) If a sterile compounding pharmacy plans to remodel a

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pharmacy clean room within the sterile compounding facility, relocate a pharmacy clean room within the facility or upgrade or conduct a nonemergency repair to the heating, ventilation, air conditioning or primary engineering controls for a pharmacy clean room within the facility, the sterile compounding pharmacy shall notify the Department of Consumer Protection, in writing, not later than ten days prior to commencing such remodel, relocation, upgrade or repair. If a sterile compounding pharmacy makes an emergency repair, the sterile compounding pharmacy shall notify the department of such repair, in writing, as soon as possible after such repair is commenced.

(2) If the [United States Pharmacopeia, Chapter 797, Pharmaceutical Compounding - Sterile Preparations, as amended from time to time, requires] USP chapters require sterile recertification after such remodel, relocation, upgrade or repair, the sterile compounding pharmacy shall provide a copy of its sterile recertification to the Department of Consumer Protection not later than five days after the sterile recertification approval. The recertification shall only be performed by an independent licensed environmental monitoring entity.

(g) A sterile compounding pharmacy shall report, in writing, to the Department of Consumer Protection any known violation or noncompliance with viable and nonviable environmental sampling testing, as defined in the [most recent United States Pharmacopeia, Chapter 797, Pharmaceutical Compounding - Sterile Preparations, as amended from time to time] USP chapters, not later than the end of the next business day after discovering such violation or noncompliance.

(h) (1) If a sterile compounding pharmacy initiates a recall of sterile pharmaceuticals that were dispensed pursuant to a patient-specific prescription or medical order, the sterile compounding pharmacy shall notify each patient or patient care giver, the prescribing practitioner and the Department of Consumer Protection of such recall not later

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than twenty-four hours after such recall was initiated.

(2) If a sterile compounding pharmacy initiates a recall of sterile pharmaceuticals that were not dispensed pursuant to a patient-specific prescription or a medical order, the sterile compounding pharmacy shall notify: (A) Each purchaser of such sterile pharmaceuticals, to the extent such sterile compounding pharmacy possesses contact information for each such purchaser, (B) the Department of Consumer Protection, and (C) the federal Food and Drug Administration of such recall not later than the end of the next business day after such recall was initiated.

(i) Each sterile compounding pharmacy and each institutional pharmacy within a facility licensed pursuant to section 19a-490 shall prepare and maintain a policy and procedure manual. The policy and procedure manual shall comply with the [most recent United States Pharmacopeia, Chapter 797, Pharmaceutical Compounding - Sterile Preparations, as amended from time to time] USP chapters.

(j) Each sterile compounding pharmacy shall report to the Department of Consumer Protection any administrative or legal action commenced against it by any state or federal regulatory agency or accreditation entity not later than five business days after receiving notice of the commencement of such action.

(k) Notwithstanding the provisions of subdivisions (3) and (4) of subsection (b) of this section, a sterile compounding pharmacy that is a nonresident pharmacy shall provide the Department of Consumer Protection proof that it has passed an inspection in such nonresident pharmacy's home state, based on the [most recent United States Pharmacopeia, Chapter 797, Pharmaceutical Compounding - Sterile Preparations compliance standards, as amended from time to time] USP chapters. Such nonresident pharmacy shall submit to the Department of Consumer Protection a copy of the most recent

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inspection report with its initial nonresident pharmacy application and shall submit to the department a copy of its most recent inspection report every two years thereafter. 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, Pharmaceutical Compounding, as amended from time to time] USP chapters, such nonresident pharmacy shall provide satisfactory proof to the department that it is in compliance with the standards required in the [most recent United States Pharmacopeia, Chapter 797, Pharmaceutical Compounding as amended from time to time] USP chapters.

(l) A practitioner, as specified in subdivision (1) of subsection (e) of this section, a hospital or a health care facility that receives sterile pharmaceuticals shall report any errors related to such dispensing or any suspected adulterated sterile pharmaceuticals to the Department of Consumer Protection.

(m) (1) For purposes of this subsection, a "designated pharmacist" means a pharmacist responsible for overseeing the compounding of sterile pharmaceuticals and the application of the USP chapters, as said chapters pertain to sterile compounding.

(2) Any pharmacy licensed pursuant to section 20-594, as amended by this act, or institutional pharmacy licensed pursuant to section 19a-490 that provides sterile pharmaceuticals shall notify the department of its designated pharmacist.

(3) The designated pharmacist shall be responsible for providing proof he or she has completed a program approved by the commissioner that demonstrates the competence necessary for the compounding of sterile pharmaceuticals, in compliance with all applicable federal and state statutes and regulations.

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(4) The designated pharmacist shall immediately notify the department whenever he or she ceases such designation.

(5) Nothing in this section shall prevent a designated pharmacist from being the pharmacy manager.

[(m)] (n) The Commissioner of Consumer Protection may adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 29. Section 20-594 of the general statutes is amended by adding subsection (f) as follows (*Effective from passage*):

(NEW) (f) Each pharmacy licensed pursuant to this section shall report to the department any administrative or legal action commenced against it by any state or federal regulatory agency or accreditation entity not later than ten business days after receiving notice of the commencement of such action.

Sec. 30. Subsection (h) of section 21a-243 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) When a drug that is not a controlled substance in schedule I, II, III, IV or V, as designated in the Connecticut controlled substance scheduling regulations, is designated to be a controlled substance under the federal Controlled Substances Act, such drug shall be considered to be controlled at the state level in the same numerical schedule [for a period of two hundred forty days] from the effective date of the federal classification. Nothing in this section shall prevent the Commissioner of Consumer Protection from designating a controlled substance differently in the Connecticut controlled substance scheduling regulations than such controlled substance is designated in the federal Controlled Substances Act, as amended from time to time.

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Sec. 31. Subsection (e) of section 21a-243 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, not later than January 1, 2013, the Commissioner of Consumer Protection shall submit amendments to sections 21a-243-7 and 21a-243-8 of the regulations of Connecticut state agencies to the standing legislative regulation review committee to reclassify marijuana as a controlled substance in schedule II under the Connecticut controlled substance scheduling regulations, except that for any marijuana product that has been approved by the federal Food and Drug Administration or successor agency to have a medical use and that is reclassified in any schedule of controlled substances or unscheduled by the federal Drug Enforcement Administration or successor agency, the commissioner shall adopt the schedule designated by the Drug Enforcement Administration or successor agency.

Sec. 32. Subdivision (4) of section 20-500 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(4) "Appraisal management services" means any of the following:

(A) The administration of an appraiser panel;

(B) The recruitment of certified appraisers to be part of an appraiser panel, including, but not limited to, the negotiation of fees to be paid to, and services to be provided by, such appraisers for their participation on such panel; or

(C) The receipt of an appraisal request or order or an appraisal review request or order and the delivery of such request or order to an appraiser panel.

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Sec. 33. Subsection (a) of section 20-529b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No appraisal management company applying for a certificate of registration shall:

(1) Be [more than ten per cent] owned by any person who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked in any state;

(2) Be owned by any partnership, association, limited liability company or corporation that is more than ten per cent owned by any person who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked in any state;

(3) Employ any person to perform job functions related to the ordering, preparation, performance or review of appraisals who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked; or

(4) Enter into any contract, agreement or other business arrangement, written or oral, for the procurement of appraisal services in this state, with (A) any person who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked, or (B) any partnership, association, limited liability company or corporation that employs or has entered into any contract, agreement or other business arrangement, whether oral, written or any other form, with any person who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked.

Sec. 34. Subsection (a) of section 20-529c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(a) [Except within the first thirty days after] After an appraiser is initially added to an appraiser panel of an appraisal management company, such company shall not remove an appraiser from its appraiser panel or otherwise refuse to assign requests or orders for appraisals without:

(1) Notifying the appraiser in writing of the reasons why the appraiser is being removed;

(2) If the appraiser is being removed for alleged illegal conduct, violation of the USPAP or violation of state licensing standards, notifying the appraiser in writing of the nature of the alleged conduct or violation; and

(3) Providing the appraiser with an opportunity to respond to such notice.

Sec. 35. Section 20-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Any licensee under this chapter who is convicted of a violation of any of the offenses enumerated in subdivision (8) of section 20-320 [shall] may incur a forfeiture of his or her license and all moneys that may have been paid for such license. The clerk of any court in which such conviction has been rendered shall forward to the commission without charge a certified copy of such conviction. The [commission, upon the receipt of a copy of the judgment of conviction, shall, not later than ten days after such receipt, notify the licensee, in writing, of the revocation of his license] commissioner may revoke such licensee's license after proceedings as provided in section 20-321. Such notice shall be conclusive of the revocation of such license. Application for reinstatement of such license shall be subject to the provisions of section 46a-80.

Sec. 36. Section 21a-190d of the general statutes is repealed and the

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

The following charitable organizations that engage in solicitation shall not be subject to the provisions of sections 21a-190b and 21a-190c, provided each such organization, prior to conducting any solicitation or prior to having any solicitation conducted on behalf of others, shall submit such information as the department may require to substantiate an exemption under this section in a form prescribed by the commissioner:

- (1) Any duly organized religious corporation, institution or society;
- (2) Any parent-teacher association or educational institution, the curricula of which in whole or in part are registered or approved by any state or the United States either directly or by acceptance of accreditation by an accrediting body;
- (3) Any nonprofit hospital licensed in accordance with the provisions of section 19a-630 or any similar provision of the laws of any other state;
- (4) Any governmental unit or instrumentality of any state or the United States;
- (5) Any person who solicits solely for the benefit of organizations described in subdivisions (1) to (4), inclusive, of this section; and
- (6) Any charitable organization which normally receives less than fifty thousand dollars in contributions annually, provided such organization does not compensate any person primarily to conduct solicitations.

Sec. 37. Subsection (b) of section 21a-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(b) The Commissioner of Consumer Protection may impose a fine of twenty dollars on any applicant for a permit or license issued by the Commissioner of Consumer Protection who issues to the commissioner a check or electronic funds transfer drawn on the account of such applicant in payment of a permit or license fee and whose check or electronic funds transfer is returned to the Department of Consumer Protection as uncollectible. In addition, the commissioner may require the applicant to pay to the department any fees charged by a financial institution to the department as a result of such returned check or electronic funds transfer.

Sec. 38. Subdivision (8) of section 21a-62b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(8) "Potentially hazardous food" means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation, which controls shall be consistent with the United States Food and Drug Administration's Food Code definition for time and temperature control for safety food, as amended from time to time, and adopted by reference by the commissioner pursuant to section 19a-36h.

Sec. 39. Subsection (d) of section 20-306a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(d) Not less than two-thirds of the individual members of a limited liability company or owners of a professional 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 professional corporation.

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Approved July 9, 2019