AN ACT CONCERNING HUMAN TRAFFICKING AND STATE CONTRACTS AND THE LICENSING OF ESTHETICIANS, NAIL TECHNICIANS AND EYELASH TECHNICIANS.

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

Section 1. (NEW) (Effective January 1, 2020) As used in this section and sections 2 to 5, inclusive, and sections 7 and 8 of this act:

(1) "Commissioner" means the Commissioner of Public Health;

(2) "Department" means the Department of Public Health;

(3) "Esthetician" means a person who, for compensation, performs esthetics;

(4) "Esthetics" means services related to skin care treatments, (A) including, but not limited to, cleansing; toning; stimulating, exfoliating or performing any similar procedure on the human body, face or scalp while using cosmetic preparations, hands, devices, apparatus or appliances to enhance or improve the appearance of the skin; makeup application; beautifying lashes and brows; removing unwanted hair using manual and mechanical means, and (B) excluding the use of a prescriptive laser device, the performance of cosmetic medical procedures, as defined in section 19a-903c of the general statutes or any practice, activity or treatment that constitutes the practice of
(5) "Nail technician" means a person who for compensation cuts, shapes, colors, cleanses, trims, polishes or enhances the appearance of the nails of the hands or feet, including, but not limited to, applying artificial nails; applying lotions and oils in paraffin wax in individual containers; filing without the use of electronics; applying shellac polish and nail art such as gems, jewels, glitter and acrylic; applying hard gels, gel acrylic, liquid and powdered acrylic and curing lights; reflexology; but excluding any practice, activity or treatment that constitutes the practice of medicine;

(6) "Eyelash technician" means a person, who for compensation performs individual eyelash extensions, eyelash lifts or perms and eyelash color tints; and

(7) "Salon" and "spa" include any shop, store, day spa or other commercial establishment at which the practice of barbering, as described in section 20-234 of the general statutes, hairdressing and cosmetology, as defined in section 20-250 of the general statutes or the services of an esthetician, nail technician or eyelash technician, or any combination thereof, is offered and provided.

Sec. 2. (NEW) (Effective January 1, 2020) (a) On and after July 1, 2020, except as provided in subsection (g) of this section, no person may practice as an esthetician without obtaining a license or temporary permit from the Department of Public Health under this section.

(b) On and after January 1, 2020, each person seeking an initial license as an esthetician shall apply to the department on a form prescribed by the department, accompanied by an application fee of one hundred dollars and evidence that the applicant has (A)(i) completed a course of not less than six hundred hours of study in a school approved under section 7 of this act or in a school outside of the state whose requirements are equivalent to a school approved under section 7 of this act, and (ii) passed a written examination, satisfactory
to the department, or (B) practiced esthetics continuously in this state for a period of not less than five years prior to January 1, 2020, and completed a course in disinfection and safe work practices approved by the department under section 7 of this act.

(c) The department may grant a license under this section to any person who is licensed at the time of application as an esthetician or entitled to perform similar services under a different designation in another state of the United States, the District of Columbia or a commonwealth or territory subject to the laws of the United States and who submits evidence satisfactory to the commissioner of (1) a current license in good standing to practice as an esthetician from such other state, district, commonwealth or territory, and (2) licensed practice in such state, district, commonwealth or territory for a period of at least two years immediately preceding the application. Pending approval of the application for a license, the commissioner may issue a temporary permit to such applicant upon receipt of a completed application, the application fee in accordance with subsection (b) of this section, a copy of the current license from such other state, district, commonwealth or territory and a notarized affidavit attesting the license is valid and belongs to the person requesting notarization. Such temporary permit shall be valid for a period not exceeding one hundred twenty calendar days and shall not be renewable.

(d) Any license issued under this section shall expire in accordance with the provisions of section 19a-88 of the general statutes, as amended by this act, and may be renewed every two years, for a fee of one hundred dollars. No person shall carry on the occupation of esthetician after the expiration of such person's license until such person has applied to the department for a renewal of such license. The department may renew any esthetician license if application for such renewal is received by the department not later than ninety days after the expiration of the license.

(e) No person shall use the title "esthetician" or similar title unless
the person holds a license issued under this section. Each person
engaged in the occupation of esthetician shall, at all times,
conspicuously display such person's license within the place where
such occupation is being conducted.

(f) The provisions of this section shall not apply to a physician, an
advanced practice registered nurse rendering service in collaboration
with a physician, a registered nurse executing the medical regimen
under the direction of a licensed physician, dentist or advanced
practice registered nurse or a physician assistant rendering service
under the supervision, control and responsibility of a physician.

(g) A person may practice temporarily as an esthetician in this state
without a license or temporary permit if such person is an instructor,
or a participant in a trade show, event or product demonstration in
accordance with this subsection. A person who (1) provides instruction
on techniques related to being an esthetician, or (2) participates in the
demonstration of the practice of being an esthetician or a product
related to such practice as part of a professional course, seminar,
workshop, trade show or other event, may do so without a license or
permit, provided such person (A) is licensed or certified in the state,
territory or possession of the United States or foreign country where
such person primarily practices as an esthetician if such licensure or
certification is required by such state, territory, possession or foreign
country; (B) practices as an esthetician under the direct supervision of
a licensed esthetician; (C) does not receive compensation for practicing
as an esthetician in this state, other than for providing instruction for
such practice to persons in attendance at the course, seminar,
workshop, trade show or event; and (D) provides instruction or
demonstrates techniques or services related to practicing as an
esthetician only for persons enrolled in the course, seminar or
workshop or attending the trade show or event at which such person
provides instruction, demonstrates a product or offers such services.
Any person or organization that holds or produces a course, seminar,
workshop, trade show or other event at which nonlicensed estheticians
provide instruction, participate in a demonstration or offer services
related to the practice of an esthetician shall ensure compliance with
the provisions of this subsection.

(h) No license or temporary permit shall be issued under this section
to any applicant against whom professional disciplinary action is
pending or who is the subject of an unresolved complaint in any state
or jurisdiction.

(i) No person applying for a license or temporary permit under this
section shall be required to submit any proof of citizenship or legal
residency.

(j) The commissioner may adopt regulations, in accordance with the
provisions of chapter 54 of the general statutes, to implement the
provisions of this section.

Sec. 3. (NEW) (Effective January 1, 2020) (a) On and after July 1, 2020,
except as provided in subsection (g) of this section, no person may
practice as an eyelash technician without obtaining a license or
temporary permit from the Department of Public Health under this
section.

(b) On and after January 1, 2020, each person seeking an initial
license as an eyelash technician shall apply to the department on a
form prescribed by the department, accompanied by an application fee
of one hundred dollars and evidence that the applicant has (A)(i)
completed a course of not less than twenty-five hours of study in a
school approved under section 7 of this act or in a school outside of the
state whose requirements are equivalent to a school approved under
section 7 of this act, and (ii) passed a written examination, satisfactory
to the department, or (B) practiced as an eyelash technician
continuously in this state for a period of not less than five years prior
to January 1, 2020, and completed a course in disinfection and safe
work practices approved by the department under section 7 of this act.
(c) The department may grant a license under this section to any person who is licensed at the time of application as an eyelash technician or entitled to perform similar services under a different designation in another state of the United States, the District of Columbia or a commonwealth or territory subject to the laws of the United States and who submits evidence satisfactory to the commissioner of (1) a current license in good standing to practice as an eyelash technician from such other state, district, commonwealth or territory, and (2) licensed practice in such state, district, commonwealth or territory for a period of at least two years immediately preceding the application. Pending approval of the application for a license, the commissioner may issue a temporary permit to such applicant upon receipt of a completed application, the application fee in accordance with subsection (b) of this section, a copy of the current license from such other state, district, commonwealth or territory and a notarized affidavit attesting the license is valid and belongs to the person requesting notarization. Such temporary permit shall be valid for a period not exceeding one hundred twenty calendar days and shall not be renewable.

(d) Any license issued under this section shall expire in accordance with the provisions of section 19a-88 of the general statutes, as amended by this act, and may be renewed every two years, for a fee of one hundred dollars. No person shall carry on the occupation of eyelash technician after the expiration of such person's license until such person has applied to the department for a renewal of such license. The department may renew any eyelash technician license if application for such renewal is received by the department not later than ninety days after the expiration of the license.

(e) No person shall use the title "eyelash technician" or similar title unless the person holds a license issued under this section. Each person engaged in the occupation of eyelash technician shall, at all times, conspicuously display such person's license within the place where such occupation is being conducted.
(f) A person may practice temporarily as an eyelash technician in this state without a license or temporary permit if such person is an instructor, or a participant in a trade show, event or product demonstration in accordance with this subsection. A person who (1) provides instruction on techniques related to being an eyelash technician, or (2) participates in the demonstration of the practice of being an eyelash technician or a product related to such practice as part of a professional course, seminar, workshop, trade show or other event, may do so without a license or permit, provided such person (A) is licensed or certified in the state, territory or possession of the United States or foreign country where such person primarily practices as an eyelash technician if such licensure or certification is required by such state, territory, possession or foreign country; (B) practices as an eyelash technician under the direct supervision of a licensed eyelash technician; (C) does not receive compensation for practicing as an eyelash technician in this state, other than for providing instruction for such practice to persons in attendance at the course, seminar, workshop, trade show or event; and (D) provides instruction or demonstrates techniques or services related to practicing as an eyelash technician only for persons enrolled in the course, seminar or workshop or attending the trade show or event at which such person provides instruction, demonstrates a product or offers such services. Any person or organization that holds or produces a course, seminar, workshop, trade show or other event at which nonlicensed eyelash technicians provide instruction, participate in a demonstration or offer services related to the practice of an eyelash technician, shall ensure compliance with the provisions of this subsection.

(g) No license or temporary permit shall be issued under this section to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint in any state or jurisdiction.

(h) No person applying for a license or temporary permit under this section shall be required to submit any proof of citizenship or legal
(i) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 4. (NEW) (Effective January 1, 2020) (a) On and after January 1, 2021, except as provided in subsection (g) of this section, no person may practice as a nail technician without obtaining a license or temporary permit from the Department of Public Health under this section or a nail technician trainee license under section 6 of this act.

(b) On and after October 1, 2020, each person seeking an initial license as a nail technician shall apply to the department on a form prescribed by the department, accompanied by an application fee of one hundred dollars and evidence that the applicant has (A)(i) completed a course of not less than one hundred hours of study in a school approved under section 7 of this act or in a school outside of the state whose requirements are equivalent to a school approved under section 7 of this act, and (ii) passed a written examination, prescribed by the department, or (B)(i) practiced as a nail technician continuously in this state for a period of not less than five years prior to January 1, 2021, and completed a course in disinfection and safe work practices approved by the department under section 7 of this act, or (ii) practiced as a licensed nail technician trainee for at least a year in accordance with section 5 of this act and completed an examination prescribed by the commissioner. If an applicant employed as a nail technician on January 1, 2021, has no evidence satisfactory to the commissioner of continuous practice as a nail technician for not less than five years, such applicant may apply to the department for a nail technician trainee license, under section 5 of this act.

(c) The department may grant a license under this section to any person who is licensed at the time of application as a nail technician or entitled to perform similar services under a different designation in another state of the United States, the District of Columbia or a
commonwealth or territory subject to the laws of the United States and
who submits evidence satisfactory to the commissioner of (1) a current
license in good standing to practice as a nail technician from such other
state, district, commonwealth or territory, and (2) licensed practice in
such state, district, commonwealth or territory for a period of at least
two years immediately preceding the application. Pending approval of
the application for a license, the commissioner may issue a temporary
permit to such applicant upon receipt of a completed application, the
application fee in accordance with subsection (b) of this section, a copy
of the current license from such other state, district, commonwealth or
territory and a notarized affidavit attesting the license is valid and
belongs to the person requesting notarization. Such temporary permit
shall be valid for a period not exceeding one hundred twenty calendar
days and shall not be renewable.

(d) Any license issued under this section shall expire in accordance
with the provisions of section 19a-88 of the general statutes, as
amended by this act, and may be renewed every two years, for a fee of
one hundred dollars. No person shall carry on the occupation of
esthetics after the expiration of such person's license until such person
has applied to the department for a renewal of such license. The
department may renew any nail technician license if application for
such renewal is received by the department not later than ninety days
after the expiration of the license.

(e) No person shall use the title "nail technician" or similar title
unless the person holds a license issued under this section. Each
person engaged in the occupation of nail technician shall, at all times,
conspicuously display such person's license within the place where
such occupation is being conducted.

(f) The provisions of this section shall not apply to a physician, an
advanced practice registered nurse rendering service in collaboration
with a physician, a registered nurse executing the medical regimen
under the direction of a licensed physician, dentist or advanced
practice registered nurse or a physician assistant rendering service under the supervision, control and responsibility of a physician.

(g) A person may practice temporarily as a nail technician in this state without a license or temporary permit if such person is an instructor, or a participant in a trade show, event or product demonstration in accordance with this subsection. A person who (1) provides instruction on techniques related to being a nail technician, or (2) participates in the demonstration of the practice of being a nail technician or a product related to such practice as part of a professional course, seminar, workshop, trade show or other event, may do so without a license or permit, provided such person (A) is licensed or certified in the state, territory or possession of the United States or foreign country where such person primarily practices as a nail technician if such licensure or certification is required by such state, territory, possession or foreign country; (B) practices as a nail technician under the direct supervision of a licensed nail technician; (C) does not receive compensation for practicing as a nail technician in this state, other than for providing instruction for such practice to persons in attendance at the course, seminar, workshop, trade show or event; and (D) provides instruction or demonstrates techniques or services related to practicing as a nail technician only for persons enrolled in the course, seminar or workshop or attending the trade show or event at which such person provides instruction, demonstrates a product or offers such services. Any person or organization that holds or produces a course, seminar, workshop, trade show or other event at which nonlicensed nail technicians provide instruction, participate in a demonstration or offer services related to the practice of a nail technician shall ensure compliance with the provisions of this subsection.

(h) No license or temporary permit shall be issued under this section to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint in any state or jurisdiction.
(i) No person applying for a license or temporary permit under this section shall be required to submit any proof of citizenship or legal residency.

(j) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 5. (NEW) (Effective January 1, 2020) (a) Any person employed as a nail technician on January 1, 2021, who does not have evidence satisfactory to the commissioner of continuous practice as a nail technician for not less than five years prior to said date, may apply to the department for a nail technician trainee license.

(b) Each person seeking an initial license as a nail technician trainee shall apply to the department on a form prescribed by the department, accompanied by an application fee of fifty dollars. Such application shall include the name and address of the spa or salon where such person is employed and the licensed nail technician who will be the applicant's supervisor. Upon the granting of a license under this section, the licensee may practice as a nail technician full-time or part-time under the supervision of a nail technician licensed under section 4 of this act, at a spa or salon managed by a person described in section 8 of this act. Such license shall be valid for one year, and shall be renewable once for an additional year, for a fee of fifty dollars. No person shall hold such a license for more than two years, unless such person provides written justification to the commissioner satisfactory to the commissioner explaining why such license should be renewed for a period of more than two years. The licensee shall notify the department not later than seven business days after a change in employer or supervisor.

(c) Any person who has held a nail technician trainee license for at least one year and completed an examination prescribed by the commissioner may apply for a nail technician license under section 4 of this act.
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(d) No person applying for a license or temporary permit under this section shall be required to submit any proof of citizenship or legal residency.

Sec. 6. Section 19a-231 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2020):

[(a) As used in this section:

(1) "Salon" means a person who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including, but not limited to, the application and removal of sculptured or artificial nails. Not later than October 1, 2020, the Department of Public Health shall establish a standardized inspection system and guidelines concerning standards for salons and post such system and guidelines on the department's Internet web site.

(b) The director of health for any town, city, borough or district department of health, or the director's authorized representative, shall, (1) on an annual basis, inspect all salons within the director's jurisdiction regarding their sanitary condition, (2) on or before July 1, 2020, implement the system and guidelines adopted by the Department of Public Health under subsection (a) of this section. The director of health, or the director's authorized representative, shall have full power to enter and inspect any such salon during usual business hours. If any salon, upon such inspection, is found to be in an unsanitary condition, the director of health shall make a written order that such salon be placed in a sanitary condition. If any salon, upon
such inspection, is found to be in violation of the provisions of section 54-234a, as amended by this act, the director of health may impose the fine authorized by said section.

(c) The director of health may collect from the operator of any such salon a reasonable fee, not to exceed $two hundred fifty dollars, for the cost of conducting any annual inspection of such salon pursuant to this section. Notwithstanding any municipal charter, home rule ordinance or special act, any fee collected by the director of health pursuant to this section, other than any fine collected under subsection (b) of this section, shall be used by the town, city, borough or district department of health for conducting inspections pursuant to this section.

Sec. 7. (NEW) (Effective January 1, 2020) (a) Schools for instruction in services provided by estheticians, nail technicians or eyelash technicians may be established in this state. All such schools may be inspected regarding their sanitary conditions by the Department of Public Health whenever the department deems it necessary and any authorized representative of the department may enter and inspect the school during usual business hours. If any school, upon inspection, is found to be in an unsanitary condition, the commissioner or a designee shall make written order that such school be placed in a sanitary condition.

(b) Schools for instruction in the occupations of estheticians, nail technicians or eyelash technicians shall obtain approval pursuant to this section prior to commencing operation. Any such school established prior to January 1, 2020, shall apply for such approval not later than July 1, 2020. In the event that an approved school undergoes a change of ownership or location, such approval shall become void and the school shall apply for a new approval pursuant to this section. Applications for such approval shall be on forms prescribed by the commissioner. In the event that a school fails to comply with the provisions of this subsection, no credit toward the hours of study
required pursuant to section 2, 3, or 4 of this act shall be granted to any
student for instruction received prior to the effective date of school
approval.

(c) The Commissioner of Public Health shall prescribe the amount of
hours, content and approved providers for a course in disinfection and
safe work practices for an applicant for a license as an esthetician, an
eyelash technician or a nail technician to complete in order to meet the
requirements of section 2, 3 or 4 of this act. Such providers may
include, but not be limited to, schools approved under this section or
online providers.

Sec. 8. (NEW) (Effective January 1, 2020) (a) On and after July 1, 2020,
each spa or salon that employs hairdressers, cosmeticians, estheticians
or eyelash technicians shall be under the management of a hairdresser
and cosmetician registered under chapter 387 of the general statutes,
an esthetician licensed under section 2 of this act or an eyelash
technician licensed under section 3 of this act.

(b) On and after July 1, 2021, each spa or salon that employs nail
technicians shall be under the management of a hairdresser and
cosmetician registered under chapter 387 of the general statutes, an
esthetician licensed under section 2 of this act, an eyelash technician
licensed under section 3 of this act or a nail technician licensed under
section 4 of this act.

(c) Any such managing person shall file with the Secretary of the
State in accordance with title 34 of the general statutes, maintain
payroll records and classify employees according to state law and
provide workers compensation coverage if required under any
provision of the general statutes.

Sec. 9. Section 54-234a of the general statutes is repealed and the
following is substituted in lieu thereof (Effective January 1, 2020):

(a) (1) The operator of any (A) establishment that provides massage
services for a fee; (B) publicly or privately operated highway service plaza; (C) hotel, motel, inn or similar lodging; (D) public airport, as defined in section 15-74a; (E) acute care hospital emergency room; (F) urgent care facility; (G) station offering passenger rail service or passenger bus service; (H) business that sells or offers for sale materials or promotes performances intended for an adult-only audience; (I) employment agency, as defined in section 31-129, that offers personnel services to any other operator described in this subdivision; or (J) establishment that provides services performed by a nail technician, as defined in section 19a-231, or (K) establishment that provides services performed by an esthetician, as defined in section 1 of this act, and (2) each person who holds an on-premises consumption permit for the retail sale of alcoholic liquor pursuant to title 30, shall post the notice developed pursuant to subsection (b) of section 54-222 in plain view in a conspicuous location where labor and services are provided or performed, tickets are sold and other transactions, including sales, are to be carried on.

(b) The provisions of subsection (a) of this section shall not apply to any person who holds an on-premises consumption permit for the retail sale of alcoholic liquor pursuant to title 30 that consists of only one or more of the following: (1) A caterer, boat, military, charitable organization, special club, temporary liquor or temporary beer permit, or (2) a manufacturer permit for a farm winery, a manufacturer permit for beer, manufacturer permits for beer and brew pubs, or any other manufacturer permit issued under title 30.

(c) Any operator or person who fails to comply with the provisions of subsection (a) of this section shall be fined one hundred dollars for a first offense and two hundred fifty dollars for any subsequent offense, in addition to any proceedings for suspension or revocation of a license, permit or certificate that the appropriate authority may initiate under any other provision of law.

Sec. 10. Subsection (c) of section 19a-14 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective January 1, 2020):

(c) No board shall exist for the following professions that are licensed or otherwise regulated by the Department of Public Health:

(1) Speech and language pathologist and audiologist;

(2) Hearing instrument specialist;

(3) Nursing home administrator;

(4) Sanitarian;

(5) Subsurface sewage system installer or cleaner;

(6) Marital and family therapist;

(7) Nurse-midwife;

(8) Licensed clinical social worker;

(9) Respiratory care practitioner;

(10) Asbestos contractor, asbestos consultant and asbestos training provider;

(11) Massage therapist;

(12) Registered nurse's aide;

(13) Radiographer;

(14) Dental hygienist;

(15) Dietitian-Nutritionist;

(16) Asbestos abatement worker;

(17) Asbestos abatement site supervisor;
(18) Licensed or certified alcohol and drug counselor;

(19) Professional counselor;

(20) Acupuncturist;

(21) Occupational therapist and occupational therapist assistant;

(22) Lead abatement contractor, lead consultant contractor, lead consultant, lead abatement supervisor, lead abatement worker, lead training provider, lead inspector, lead inspector risk assessor and lead planner-project designer;

(23) Emergency medical technician, advanced emergency medical technician, emergency medical responder and emergency medical services instructor;

(24) Paramedic;

(25) Athletic trainer;

(26) Perfusionist;

(27) Master social worker subject to the provisions of section 20-195v;

(28) Radiologist assistant, subject to the provisions of section 20-74tt;

(29) Homeopathic physician;

(30) Certified water treatment plant operator, certified distribution system operator, certified small water system operator, certified backflow prevention device tester and certified cross connection survey inspector, including certified limited operators, certified conditional operators and certified operators in training;

(31) Tattoo technician;

(32) Genetic counselor; [and]
(33) Behavior analyst;

(34) Esthetician;

(35) Eyelash technician; and

(36) Nail technician.

The department shall assume all powers and duties normally vested with a board in administering regulatory jurisdiction over such professions. The uniform provisions of this chapter and chapters 368v, 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a and 400c, including, but not limited to, standards for entry and renewal; grounds for professional discipline; receiving and processing complaints; and disciplinary sanctions, shall apply, except as otherwise provided by law, to the professions listed in this subsection.

Sec. 11. Subdivision (2) of subsection (e) of section 19a-88 of the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2020):

(2) Each person holding a license or certificate issued under [section] sections 19a-514, [section 20-266o] and sections 2 to 4, inclusive, of this act and chapters 384a, 384c, 386, 387, 388 and 398 shall apply for renewal of such license or certificate once every two years, during the month of such person's birth, giving such person's name in full, such person's residence and business address and such other information as the department requests.

This act shall take effect as follows and shall amend the following sections:

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