



House of Representatives

General Assembly

File No. 386

January Session, 2021

Substitute House Bill No. 6474

House of Representatives, April 12, 2021

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COLLATERAL EMPLOYMENT CONSEQUENCES OF A CRIMINAL RECORD.

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

1 Section 1. Section 46a-79 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 The General Assembly finds that the public is best protected when
4 [criminal offenders] people who have been arrested or convicted of
5 crimes are rehabilitated and returned to society prepared to take their
6 places as productive citizens and that the ability of [returned offenders]
7 such persons to find meaningful occupations, employment, housing
8 and higher education is directly related to their normal functioning in
9 the community. The General Assembly further finds that African-
10 Americans and Hispanics are targeted for arrest and incarcerated at
11 rates disproportionate to their representation in the general population
12 and that discrimination in occupations, employment, housing and
13 higher education on the basis of criminal history record information has

14 a disparate impact based on race, ancestry and national origin. It is
15 therefore the policy of this state to [encourage] prohibit all employers,
16 [to give favorable consideration to providing jobs to qualified
17 individuals, including those who may have criminal conviction records]
18 landlords and institutions of higher education from discriminating on
19 the basis of criminal history record information, except as otherwise
20 provided in this chapter.

21 Sec. 2. Section 46a-51 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective October 1, 2021*):

23 As used in section 4a-60a and this chapter:

24 (1) "Blind" refers to an individual whose central visual acuity does
25 not exceed 20/200 in the better eye with correcting lenses, or whose
26 visual acuity is greater than 20/200 but is accompanied by a limitation
27 in the fields of vision such that the widest diameter of the visual field
28 subtends an angle no greater than twenty degrees;

29 (2) "Commission" means the Commission on Human Rights and
30 Opportunities created by section 46a-52;

31 (3) "Commission legal counsel" means a member of the legal staff
32 employed by the commission pursuant to section 46a-54;

33 (4) "Commissioner" means a member of the commission;

34 (5) "Court" means the Superior Court or any judge of said court;

35 (6) "Discrimination" includes segregation and separation;

36 (7) "Discriminatory employment practice" means any discriminatory
37 practice specified in section 46a-60 or 46a-81c;

38 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
39 60a, 4a-60g, 31-40y, subparagraph (C) of subdivision (15) of section 46a-
40 54, subdivisions (16) and (17) of section 46a-54, section 46a-58, 46a-59, as
41 amended by this act, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-68c to
42 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of section

43 46a-80, as amended by this act, or sections 46a-81b to 46a-81o, inclusive;

44 (9) "Employee" means any person employed by an employer but shall
45 not include any individual employed by such individual's parents,
46 spouse or child;

47 (10) "Employer" includes the state and all political subdivisions
48 thereof and means any person or employer with three or more persons
49 in such person's or employer's employ;

50 (11) "Employment agency" means any person undertaking with or
51 without compensation to procure employees or opportunities to work;

52 (12) "Labor organization" means any organization which exists for the
53 purpose, in whole or in part, of collective bargaining or of dealing with
54 employers concerning grievances, terms or conditions of employment,
55 or of other mutual aid or protection in connection with employment;

56 (13) "Intellectual disability" means intellectual disability as defined in
57 section 1-1g;

58 (14) "Person" means one or more individuals, partnerships,
59 associations, corporations, limited liability companies, legal
60 representatives, trustees, trustees in bankruptcy, receivers and the state
61 and all political subdivisions and agencies thereof;

62 (15) "Physically disabled" refers to any individual who has any
63 chronic physical handicap, infirmity or impairment, whether congenital
64 or resulting from bodily injury, organic processes or changes or from
65 illness, including, but not limited to, epilepsy, deafness or being hard of
66 hearing or reliance on a wheelchair or other remedial appliance or
67 device;

68 (16) "Respondent" means any person alleged in a complaint filed
69 pursuant to section 46a-82 to have committed a discriminatory practice;

70 (17) "Discrimination on the basis of sex" includes but is not limited to
71 discrimination related to pregnancy, child-bearing capacity,

72 sterilization, fertility or related medical conditions;

73 (18) "Discrimination on the basis of religious creed" includes but is
74 not limited to discrimination related to all aspects of religious
75 observances and practice as well as belief, unless an employer
76 demonstrates that the employer is unable to reasonably accommodate
77 to an employee's or prospective employee's religious observance or
78 practice without undue hardship on the conduct of the employer's
79 business;

80 (19) "Learning disability" refers to an individual who exhibits a severe
81 discrepancy between educational performance and measured
82 intellectual ability and who exhibits a disorder in one or more of the
83 basic psychological processes involved in understanding or in using
84 language, spoken or written, which may manifest itself in a diminished
85 ability to listen, speak, read, write, spell or to do mathematical
86 calculations;

87 (20) "Mental disability" refers to an individual who has a record of, or
88 is regarded as having one or more mental disorders, as defined in the
89 most recent edition of the American Psychiatric Association's
90 "Diagnostic and Statistical Manual of Mental Disorders"; [and]

91 (21) "Gender identity or expression" means a person's gender-related
92 identity, appearance or behavior, whether or not that gender-related
93 identity, appearance or behavior is different from that traditionally
94 associated with the person's physiology or assigned sex at birth, which
95 gender-related identity can be shown by providing evidence including,
96 but not limited to, medical history, care or treatment of the gender-
97 related identity, consistent and uniform assertion of the gender-related
98 identity or any other evidence that the gender-related identity is
99 sincerely held, part of a person's core identity or not being asserted for
100 an improper purpose; [.]

101 (22) "Veteran" means veteran as defined in subsection (a) of section
102 27-103; [.]

103 (23) "Criminal history record information" means court records and
104 information obtained from the Judicial Department relating to arrests,
105 releases, detentions, indictments, information, other formal criminal
106 charges or any events and outcomes arising from those arrests, releases,
107 detentions, including pleas, trials, convictions, sentences, appeals,
108 incarcerations, correctional supervision, paroles and releases,
109 outstanding judgments and any other conviction information, as
110 defined in section 54-142g, or any records, documents and information
111 based thereon;

112 (24) "Occupational license" means any licenses, permits, certificates,
113 registrations, or other means to engage in an occupation, trade,
114 vocation, profession or business; and

115 (25) "Licensing agency" means any board, agency, department,
116 commission or other state agency that has the authority to grant or deny
117 occupational licenses.

118 Sec. 3. Section 46a-80 of the general statutes is repealed and the
119 following is substituted in lieu thereof (*Effective October 1, 2021*):

120 (a) Except as provided in subsection (c) of this section, subsection (b)
121 of section 46a-81, as amended by this act, and section 36a-489, and
122 notwithstanding any other provisions of law to the contrary, a person
123 shall not be disqualified from employment or discriminated against in
124 terms, conditions or privileges of employment by [the state or any of its
125 agencies] an employer, acting directly or through an agent, nor shall a
126 person be disqualified to practice, pursue or engage in any occupation,
127 trade, vocation, profession or business for which a license, permit,
128 certificate or registration is required to be issued by the state or any of
129 its agencies solely because of [a prior conviction of a crime] the person's
130 criminal history record information.

131 (b) Except for a position for which any provision of the general
132 statutes specifically disqualifies a person from employment [by the state
133 or any of its agencies] because of the person's criminal history record
134 information of a prior conviction of a crime, no employer [, as defined

135 in section 5-270,] or employment agency shall [inquire about a
136 prospective employee's past convictions until such prospective
137 employee has been deemed otherwise qualified for the position.

138 (c) A person may be denied employment by the state or any of its
139 agencies, or a person may be denied] deny employment, nor may the
140 state or any of its agencies deny a license, permit, certificate or
141 registration to pursue, practice or engage in an occupation, trade,
142 vocation, profession or business, by reason of [the prior conviction of a
143 crime if, after considering] the person's criminal history record
144 information, unless, after conducting an individualized assessment, the
145 employer or employment agency determines in good faith that denial is
146 consistent with business necessity because: (1) [the nature of the crime
147 and its relationship to the job for which the person has applied] There is
148 a substantial nexus between the circumstances of the person's criminal
149 history record information and the employment the person is seeking or
150 has, taking into account the specific facts of the criminal history record
151 information and the essential functions and specific circumstances of the
152 job; (2) [information pertaining to the degree of rehabilitation of] there
153 is substantial evidence that the [convicted] person has not been
154 rehabilitated; and (3) [the] insufficient time has elapsed since the
155 [conviction or release, the state or any of its agencies determines that the
156 applicant is not suitable for the position of employment sought or the
157 specific occupation, trade, vocation, profession or business for which the
158 license, permit, certificate or registration is sought] acts underlying the
159 criminal history record information. In making a determination under
160 subdivision (2) of this subsection, [the state or any of its agencies] an
161 employer shall give consideration to a provisional pardon issued
162 pursuant to section 54-130e, or a certificate of rehabilitation issued
163 pursuant to section 54-108f or 54-130e, and such provisional pardon or
164 certificate of rehabilitation shall establish a presumption that such
165 applicant has been rehabilitated. If an application is denied based, in
166 whole or in part, on [a conviction for which the applicant has received a
167 provisional pardon or certificate of rehabilitation] a person's criminal
168 history record information, the [state or any of its agencies, as the case
169 may be,] employer shall provide a written statement to the applicant of

170 its reasons for such denial.

171 (c) Except for a position for which any provision of the general
172 statutes specifically disqualifies a person from employment because of
173 the person's criminal history record information, no employer or
174 employment agency shall advertise employment opportunities in such
175 a manner as to restrict such employment for applicants with criminal
176 history record information.

177 (d) If [a conviction of a crime] criminal history record information is
178 used as a basis for rejection of an applicant, such rejection shall be in
179 writing and specifically state the evidence presented and reasons for
180 rejection. A copy of such rejection shall be sent by registered mail to the
181 applicant.

182 (e) In no case may records of arrest, which are not followed by a
183 conviction, or records of convictions, which have been erased, be used,
184 distributed or disseminated by the state or any of its agencies in
185 connection with an application for employment or for a permit, license,
186 certificate or registration.

187 Sec. 4. Section 46a-81 of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective October 1, 2021*):

189 (a) Except as provided in section 36a-489, the provisions of sections
190 46a-79 to 46a-81, inclusive, as amended by this act, shall prevail over any
191 other provisions of law which purport to govern the denial of [licenses,
192 permits, certificates, registrations, or other means to engage in an
193 occupation, trade, vocation, business or profession,] occupational
194 licenses on the grounds of a person's criminal history record information
195 or on the grounds of lack of good moral character, or which purport to
196 govern the suspension or revocation of [a license, permit, certificate or
197 registration] an occupational license on the grounds of [conviction of a
198 crime] a person's criminal history record information. An occupational
199 license shall not be denied to any person on the basis of that person's
200 criminal history record information unless, after conducting an
201 individualized assessment, the licensing agency responsible for the

202 issuance of the occupational license determines in good faith that denial
203 is consistent with business necessity because: (1) There is a substantial
204 nexus between the circumstances of the person's criminal history record
205 information and the occupational license the person is seeking or has,
206 taking into account the specific facts of the criminal history record
207 information and the essential functions of a person holding such
208 occupational license; (2) there is substantial evidence that the person has
209 not been rehabilitated; and (3) insufficient time has elapsed since the acts
210 underlying the person's criminal history record information. In making
211 a determination under subdivision (2) of this subsection, the licensing
212 agency shall give consideration to a provisional pardon issued pursuant
213 to section 54-130e, or a certificate of rehabilitation issued pursuant to
214 section 54-108f or 54-130e, and such provisional pardon or certificate of
215 rehabilitation shall establish a presumption that such applicant has been
216 rehabilitated. If an application for an occupational license is denied
217 based, in whole or in part, on criminal history record information, the
218 licensing agency shall provide a written statement to the applicant of its
219 reasons for such denial.

220 (b) Sections 46a-79 to 46a-81, inclusive, as amended by this act, shall
221 not be applicable to any law enforcement agency, and it is not a
222 discriminatory practice for a law enforcement agency to refuse to hire
223 or employ or to bar or to discharge from employment any person or to
224 discriminate against that person in compensation or in terms, conditions
225 or privileges of employment on the basis of that person's criminal
226 history record information, provided nothing herein shall be construed
227 to preclude a law enforcement agency in its discretion from adopting
228 the [policy] policies set forth in [said sections] this section, section 7 of
229 this act and sections 46a-51, as amended by this act, 46a-74, as amended
230 by this act, 46a-79, as amended by this act, and 46a-80, as amended by
231 this act, or the recommendations made by the Council on the
232 Elimination of Occupational License Collateral Consequences pursuant
233 to section 8 of this act.

234 Sec. 5. Section 46a-59 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective October 1, 2021*):

236 (a) It shall be a discriminatory practice in violation of this section for
237 any association, board or other organization the principal purpose of
238 which is the furtherance of the professional or occupational interests of
239 its members, whose profession, trade or occupation requires a state
240 license, to refuse to accept a person as a member of such association,
241 board or organization because of [his] such person's race, national
242 origin, creed, sex, gender identity or expression, color, [or] status as a
243 veteran or criminal history record information.

244 (b) Any association, board or other organization which violates the
245 provisions of this section shall be fined not less than one hundred
246 dollars nor more than five hundred dollars.

247 Sec. 6. Section 46a-74 of the general statutes is repealed and the
248 following is substituted in lieu thereof (*Effective October 1, 2021*):

249 No state department, board or agency may permit any
250 discriminatory practice in violation of section 46a-59, as amended by
251 this act, 46a-64, [or] 46a-64c or 46a-80, as amended by this act.

252 Sec. 7. (NEW) (*Effective October 1, 2021*) (a) To the extent that other
253 governing laws, including, but not limited to, the laws of the United
254 States, mandate that an employer discriminate on the basis of criminal
255 history record information, such other governing law is a defense to a
256 claim of discriminatory practice.

257 (b) In a civil action for the death to, injury of, or damage to a third
258 person caused by the intentional act of a person with criminal history
259 record information, any person who employs such person with criminal
260 history record information shall be presumed to have been not negligent
261 in entering into transactions mandated by relevant provisions of the
262 general statutes.

263 Sec. 8. (NEW) (*Effective July 1, 2021*) (a) There is established a Council
264 on the Elimination of Occupational License Collateral Consequences,
265 which shall be part of the Legislative Department. The council shall
266 identify any and all state statutes or regulations that create barriers for

267 a person to obtain an occupational license on the basis of the person's
268 criminal history record information or that otherwise conflict with
269 subsection (a) of section 46a-81 of the general statutes, as amended by
270 this act, and shall develop recommendations for amending or
271 eliminating all such state statutes or regulations to ensure compliance
272 with section 7 of this act, section 46a-51 of the general statutes, as
273 amended by this act, section 46a-74 of the general statutes, as amended
274 by this act, section 46a-79 of the general statutes, as amended by this act,
275 and section 46a-80 of the general statutes, as amended by this act.

276 (b) The council shall consist of the following members: (1) The House
277 chairperson of the joint standing committee of the General Assembly
278 having cognizance of matters relating to labor and public employees or
279 the chairperson's designee, who shall be a member of the General
280 Assembly; (2) the Senate chairperson of the joint standing committee of
281 the General Assembly having cognizance of matters relating to labor
282 and public employees, or the chairperson's designee, who shall be a
283 member of the General Assembly; (3) the House and Senate ranking
284 members of the joint standing committee of the General Assembly
285 having cognizance of matters relating to labor and public employees or
286 their designees, who shall be members of the General Assembly; (4) the
287 Labor Commissioner, or the commissioner's designee; (5) the
288 Commissioner of Consumer Protection, or the commissioner's designee;
289 (6) the executive director of the Connecticut Commission on Human
290 Rights and Opportunities, or the executive director's designee; (7) a
291 justice-impacted person, to be appointed by the House chairperson of
292 the joint standing committee of the General Assembly having
293 cognizance of matters relating to labor and public employees; (8) a
294 representative from the American Civil Liberties Union of Connecticut,
295 to be appointed by the Senate chairperson of the joint standing
296 committee of the General Assembly having cognizance of matters
297 relating to labor and public employees; and (9) a representative from the
298 Institute for Municipal and Regional Policy at Central Connecticut State
299 University, to be appointed by the House chairperson of the joint
300 standing committee of the General Assembly having cognizance of
301 matters relating to labor and public employees.

302 (c) The House and Senate chairpersons of the joint standing
303 committee of the General Assembly having cognizance of matters
304 relating to labor and public employees shall serve as the chairpersons of
305 the council.

306 (d) The chairpersons of the council shall schedule the first meeting of
307 the council, which shall be held not later than September 1, 2021.
308 Thereafter, the council shall meet upon the call of the chairpersons or
309 upon the call of a majority of the council members.

310 (e) The administrative staff of the joint standing committee of the
311 General Assembly having cognizance of matters relating to labor and
312 public employees shall serve as administrative staff of the council.

313 (f) Not later than February 1, 2022, the council shall submit a report,
314 in accordance with the provisions of section 11-4a of the general statutes,
315 on its recommendations to the joint standing committee of the General
316 Assembly having cognizance of matters relating to labor and public
317 employees.

318 Sec. 9. Subsection (a) of section 19a-14 of the general statutes is
319 repealed and the following is substituted in lieu thereof (*Effective October*
320 *1, 2021*):

321 (a) The Department of Public Health shall have the following powers
322 and duties with regard to the boards and commissions listed in
323 subsection (b) of this section which are within the Department of Public
324 Health. The department shall:

325 (1) Control the allocation, disbursement and budgeting of funds
326 appropriated to the department for the operation of the boards and
327 commissions;

328 (2) Employ and assign such personnel as the commissioner deems
329 necessary for the performance of the functions of the boards and
330 commissions;

331 (3) Perform all management functions including purchasing,

332 bookkeeping, accounting, payroll, secretarial, clerical and routine
333 housekeeping functions;

334 (4) Adopt, with the advice and assistance of the appropriate board or
335 commission, and in accordance with chapter 54, any regulations which
336 are consistent with protecting the public health and safety and which
337 are necessary to implement the purposes of this chapter and chapters
338 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388, inclusive, 398
339 and 399;

340 (5) Develop and perform all administrative functions necessary to
341 process applications for licenses and certificates;

342 (6) Determine the eligibility of all applicants for permits, licensure,
343 certification or registration, based upon compliance with the general
344 statutes and administrative regulations. The department may deny the
345 eligibility of an applicant for a permit or for licensure by examination,
346 endorsement, reciprocity or for reinstatement of a license voided
347 pursuant to subsection (f) of section 19a-88, voluntarily surrendered or,
348 by agreement, not renewed or reinstated pursuant to subsection (d) of
349 section 19a-17, as amended by this act, or may issue a license pursuant
350 to a consent order containing conditions that must be met by the
351 applicant if the department determines that the applicant:

352 (A) Has failed to comply with the general statutes and administrative
353 regulations governing the applicant's profession;

354 (B) Except any applicant for licensure as an embalmer and funeral
355 director under chapter 385, a barber under chapter 386 or a hairdresser
356 and cosmetician under chapter 387, has been found guilty or convicted
357 as a result of an act which constitutes a felony under (i) the laws of this
358 state, (ii) federal law or (iii) the laws of another jurisdiction and which,
359 if committed within this state, would have constituted a felony under
360 the laws of this state;

361 (C) Is subject to a pending disciplinary action or unresolved
362 complaint before the duly authorized professional disciplinary agency

363 of any state, the District of Columbia, a United States possession or
364 territory, or a foreign jurisdiction;

365 (D) Has been subject to disciplinary action similar to an action
366 specified in subsection (a) of section 19a-17, as amended by this act, by
367 a duly authorized professional disciplinary agency of any state, the
368 District of Columbia, a United States possession or territory, or a foreign
369 jurisdiction;

370 (E) Has committed an act which, if the applicant were licensed, would
371 not conform to the accepted standards of practice of the profession,
372 including, but not limited to, incompetence, negligence, fraud or deceit;
373 illegal conduct; procuring or attempting to procure a license, certificate
374 or registration by fraud or deceit; or engaging in, aiding or abetting
375 unlicensed practice of a regulated profession, provided the
376 commissioner, or the commissioner's designee, gives notice and holds a
377 hearing, in accordance with the provisions of chapter 54, prior to
378 denying an application for a permit or a license based on this
379 subparagraph; or

380 (F) Has a condition which would interfere with the practice of the
381 applicant's profession, including, but not limited to, physical illness or
382 loss of skill or deterioration due to the aging process, emotional disorder
383 or mental illness, abuse or excessive use of drugs or alcohol, provided
384 the commissioner, or the commissioner's designee, gives notice and
385 holds a hearing in accordance with the provisions of chapter 54, prior to
386 denying an application for a permit or a license based on this
387 subparagraph;

388 (7) Administer licensing examinations under the supervision of the
389 appropriate board or commission;

390 (8) Develop and perform all administrative functions necessary to
391 process complaints against persons licensed by the department;

392 (9) Consent to the approval or disapproval by the appropriate boards
393 or commissions of schools at which educational requirements shall be

394 met;

395 (10) Conduct any necessary review, inspection or investigation
396 regarding qualifications of applicants for licenses or certificates,
397 possible violations of statutes or regulations, and disciplinary matters.
398 In connection with any investigation, the Commissioner of Public
399 Health or the commissioner's authorized agent may administer oaths,
400 issue subpoenas, compel testimony and order the production of books,
401 records and documents. If any person refuses to appear, to testify or to
402 produce any book, record or document when so ordered, a judge of the
403 Superior Court may make such order as may be appropriate to aid in
404 the enforcement of this section;

405 (11) Conduct any necessary investigation and follow-up in
406 connection with complaints regarding persons subject to regulation or
407 licensing by the department. In connection with any such investigation,
408 the department may restrict, suspend or otherwise limit the license or
409 permit of any person subject to regulation or licensing by the
410 department pursuant to an interim consent order entered during the
411 pendency of such investigation;

412 (12) With respect to any complaint filed with the department on or
413 after October 1, 2010, alleging incompetence, negligence, fraud or deceit
414 by a person subject to regulation or licensing by any board or
415 commission described in subdivision (1) to (5), inclusive, (7), (8), (12) to
416 (14), inclusive, or (16) of subsection (b) of this section:

417 (A) Upon request of the person who filed the complaint, provide such
418 person with information on the status of the complaint;

419 (B) Upon request of the person who filed the complaint, provide such
420 person with an opportunity to review, at the department, records
421 compiled as of the date of the request pursuant to any investigation of
422 the complaint, including, but not limited to, the respondent's written
423 response to the complaint, except that such person shall not be entitled
424 to copy such records and the department (i) shall not disclose (I)
425 information concerning a health care professional's referral to,

426 participation in or completion of an assistance program in accordance
427 with sections 19a-12a and 19a-12b, that is confidential pursuant to
428 section 19a-12a, (II) information not related to such person's specific
429 complaint, including, but not limited to, information concerning
430 patients other than such person, or (III) personnel or medical records
431 and similar files the disclosure of which would constitute an invasion of
432 personal privacy pursuant to section 1-210, except for such records or
433 similar files solely related to such person; (ii) shall not be required to
434 disclose any other information that is otherwise confidential pursuant
435 to federal law or state statute, except for information solely related to
436 such person; and (iii) may require up to ten business days written notice
437 prior to providing such opportunity for review;

438 (C) Prior to resolving the complaint with a consent order, provide the
439 person who filed the complaint with not less than ten business days to
440 submit a written statement as to whether such person objects to
441 resolving the complaint with a consent order;

442 (D) If a hearing is held with respect to such complaint after a finding
443 of probable cause, provide the person who filed the complaint with a
444 copy of the notice of hearing issued pursuant to section 4-177, which
445 shall include information concerning the opportunity to present oral or
446 written statements pursuant to subsection (b) of section 4-177c; and

447 (E) Notify the person who filed the complaint of the final disposition
448 of such complaint not later than seven business days after such final
449 disposition;

450 (13) Perform any other function necessary to the effective operation
451 of a board or commission and not specifically vested by statute in the
452 board or commission;

453 (14) Contract with a third party, if the commissioner deems
454 necessary, to administer licensing examinations and perform all
455 attendant administrative functions in connection with such
456 examination; and

457 (15) With respect to any investigation of a person subject to
458 regulation, licensing or certification by the department and in any
459 disciplinary proceeding regarding such person, except as required by
460 federal law:

461 (A) Not be denied access to or use of copies of patient medical records
462 on the grounds that privilege or confidentiality applies to such records;
463 and

464 (B) Not further disclose patient medical records received pursuant to
465 the provisions of this subdivision or personnel records received during
466 the course of the investigation. Patient records received pursuant to this
467 subdivision or personnel records received during the course of the
468 investigation shall not be subject to disclosure under section 1-210.

469 Sec. 10. Subsection (a) of section 19a-17 of the general statutes is
470 repealed and the following is substituted in lieu thereof (*Effective October*
471 *1, 2021*):

472 (a) Each board or commission established under chapters 369 to 376,
473 inclusive, 378 to 381, inclusive, and 383 to 388, inclusive, and the
474 Department of Public Health with respect to professions under its
475 jurisdiction that have no board or commission may take any of the
476 following actions, singly or in combination, based on conduct that
477 occurred prior or subsequent to the issuance of a permit or a license
478 upon finding the existence of good cause:

479 (1) Revoke a practitioner's license or permit;

480 (2) Suspend a practitioner's license or permit;

481 (3) Censure a practitioner or permittee;

482 (4) Issue a letter of reprimand to a practitioner or permittee;

483 (5) Restrict or otherwise limit practice to those areas prescribed by the
484 board, commission or department;

485 (6) Place a practitioner or permittee on probationary status and

486 require the practitioner or permittee to:

487 (A) Report regularly to such board, commission or department upon
488 the matters which are the basis of probation;

489 (B) Limit practice to those areas prescribed by such board,
490 commission or department;

491 (C) Continue or renew professional education until a satisfactory
492 degree of skill has been attained in those areas which are the basis for
493 the probation;

494 (7) Assess a civil penalty of up to twenty-five thousand dollars;

495 (8) In those cases involving persons or entities licensed or certified
496 pursuant to sections 20-341d, 20-435, 20-436, 20-437, 20-438, 20-475 and
497 20-476, require that restitution be made to an injured property owner;
498 or

499 (9) Summarily take any action specified in this subsection against a
500 practitioner's license or permit upon receipt of proof that such
501 practitioner has been:

502 (A) [Found] Except for a practitioner who is a social worker under
503 chapter 383b, a professional counselor under chapter 383c, an art
504 therapist under chapter 383g, a dietitian-nutritionist under chapter
505 384b, an embalmer or funeral director under chapter 385, a barber under
506 chapter 386, a hairdresser, cosmetician, esthetician, eyelash technician
507 or nail technician under chapter 387, found guilty or convicted as a
508 result of an act which constitutes a felony under (i) the laws of this state,
509 (ii) federal law, or (iii) the laws of another jurisdiction and which, if
510 committed within this state, would have constituted a felony under the
511 laws of this state; or

512 (B) Subject to disciplinary action similar to that specified in this
513 subsection by a duly authorized professional agency of any state, the
514 federal government, the District of Columbia, a United States possession
515 or territory or a foreign jurisdiction. The applicable board or

516 commission, or the department shall promptly notify the practitioner or
517 permittee that his license or permit has been summarily acted upon
518 pursuant to this subsection and shall institute formal proceedings for
519 revocation within ninety days after such notification.

520 Sec. 11. Section 20-195p of the general statutes is repealed and the
521 following is substituted in lieu thereof (*Effective October 1, 2021*):

522 The commissioner may take any action set forth in section 19a-17, as
523 amended by this act, if the license holder fails to conform to the accepted
524 standards of the social work profession, including, but not limited to,
525 the following: Conviction of a felony that is reasonably related to the
526 license holder's ability to safely or competently perform the duties or
527 responsibilities associated with such license; fraud or deceit in obtaining
528 or seeking reinstatement of a license to practice clinical social work;
529 fraud or deceit in the practice of social work; negligent, incompetent or
530 wrongful conduct in professional activities; emotional disorder or
531 mental illness; physical illness, including, but not limited to,
532 deterioration through the aging process; abuse or excessive use of drugs,
533 including alcohol, narcotics or chemicals; wilful falsification of entries
534 in any hospital, patient or other record pertaining to social work;
535 violation of any provision of this chapter or any regulation adopted
536 hereunder. The Commissioner of Public Health may order a license
537 holder to submit to a reasonable physical or mental examination if his
538 physical or mental capacity to practice safely is the subject of an
539 investigation. Said commissioner may petition the superior court for the
540 judicial district of Hartford to enforce such order or any action taken
541 pursuant to [said] section 19a-17, as amended by this act. Notice of any
542 contemplated action under [said] section 19a-17, as amended by this act,
543 of the cause therefor and the date of hearing thereon, shall be given and
544 an opportunity for hearing afforded as provided in the regulations
545 adopted by the commissioner.

546 Sec. 12. Section 20-195ee of the general statutes is repealed and the
547 following is substituted in lieu thereof (*Effective October 1, 2021*):

548 The Commissioner of Public Health may take any disciplinary action

549 set forth in section 19a-17, as amended by this act, against a professional
550 counselor or professional counselor associate for any of the following
551 reasons: (1) Failure to conform to the accepted standards of the
552 profession; (2) conviction of a felony that is reasonably related to the
553 license holder's ability to safely or competently practice professional
554 counseling; (3) fraud or deceit in obtaining or seeking reinstatement of
555 a license to practice professional counseling; (4) fraud or deceit in the
556 practice of professional counseling; (5) negligent, incompetent or
557 wrongful conduct in professional activities; (6) physical, mental or
558 emotional illness or disorder resulting in an inability to conform to the
559 accepted standards of the profession; (7) alcohol or substance abuse; (8)
560 wilful falsification of entries in any hospital, patient or other record
561 pertaining to professional counseling; or (9) violation of any provision
562 of sections 20-195aa to 20-195dd, inclusive, or any regulation adopted
563 pursuant to section 20-195ff. The commissioner may order a license
564 holder to submit to a reasonable physical or mental examination if his
565 physical or mental capacity to practice safely is the subject of an
566 investigation. The commissioner may petition the superior court for the
567 judicial district of Hartford to enforce such order or any action taken
568 pursuant to [said] section 19a-17, as amended by this act. The
569 commissioner shall give notice and an opportunity to be heard on any
570 contemplated action under [said] section 19a-17, as amended by this act.

571 Sec. 13. Section 20-195qqq of the general statutes is repealed and the
572 following is substituted in lieu thereof (*Effective October 1, 2021*):

573 The Commissioner of Public Health may take any disciplinary action
574 set forth in section 19a-17, as amended by this act, against an art
575 therapist for any of the following reasons: (1) Failure to conform to the
576 accepted standards of the profession; (2) conviction of a felony that is
577 reasonably related to the license holder's ability to safely or competently
578 perform the duties or responsibilities associated with such license; (3)
579 fraud or deceit in obtaining or seeking reinstatement of a license to
580 practice art therapy; (4) fraud or deceit in the practice of art therapy; (5)
581 negligent, incompetent or wrongful conduct in professional activities;
582 (6) physical, mental or emotional illness or disorder resulting in an

583 inability to conform to the accepted standards of the profession; (7)
584 alcohol or substance abuse; or (8) wilful falsification of entries in any
585 hospital, patient or other record pertaining to art therapy. The
586 commissioner may order a license holder to submit to a reasonable
587 physical or mental examination if his or her physical or mental capacity
588 to practice safely is the subject of an investigation. The commissioner
589 may petition the superior court for the judicial district of Hartford to
590 enforce such order or any action taken pursuant to section 19a-17, as
591 amended by this act. The commissioner shall give notice and an
592 opportunity to be heard on any contemplated action under section 19a-
593 17, as amended by this act.

594 Sec. 14. Section 20-206s of the general statutes is repealed and the
595 following is substituted in lieu thereof (*Effective October 1, 2021*):

596 The department may take any action set forth in section 19a-17, as
597 amended by this act, if the certificate holder fails to conform to the
598 accepted standards of the dietitian-nutritionist profession, including,
599 but not limited to, the following: Conviction of a felony that is
600 reasonably related to the certificate holder's ability to safely or
601 competently perform the duties or responsibilities associated with such
602 certificate; fraud or deceit in professional practice; illegal conduct;
603 negligent, incompetent or wrongful conduct in professional activities;
604 emotional disorder or mental illness; physical illness including, but not
605 limited to, deterioration through the aging process; abuse or excessive
606 use of drugs, including alcohol, narcotics or chemicals; wilful
607 falsification of entries in any client or patient record; misrepresentation
608 or concealment of a material fact in the obtaining or reinstatement of a
609 dietitian-nutritionist certificate; or violation of any provision of sections
610 20-206m to 20-206t, inclusive.

611 Sec. 15. Subsection (i) of section 20-265b of the general statutes is
612 repealed and the following is substituted in lieu thereof (*Effective October*
613 *1, 2021*):

614 (i) The Commissioner of Public Health may take any disciplinary
615 action set forth in section 19a-17, as amended by this act, against an

616 esthetician for failure to conform to the accepted standards of the
617 profession, including, but not limited to: (1) Conviction of a felony that
618 is reasonably related to the license holder's ability to safely or
619 competently practice as an esthetician; (2) fraud or deceit in obtaining
620 or seeking reinstatement of a license to practice as an esthetician; (3)
621 fraud or deceit in the practice of an esthetician; (4) negligent,
622 incompetent or wrongful conduct in professional activities; (5) physical,
623 mental or emotional illness or disorder resulting in an inability to
624 conform to the accepted standards of the profession; or (6) abuse or
625 excessive use of drugs, including, alcohol, narcotics or chemicals. The
626 commissioner may order a license holder to submit to a reasonable
627 physical or mental examination if his or her physical or mental capacity
628 to practice safely is the subject of an investigation. The commissioner
629 may petition the superior court for the judicial district of Hartford to
630 enforce such order or any action taken pursuant to section 19a-17, as
631 amended by this act. The commissioner shall give notice and an
632 opportunity to be heard on any contemplated action under section 19a-
633 17, as amended by this act.

634 Sec. 16. Subsection (i) of section 20-265c of the general statutes is
635 repealed and the following is substituted in lieu thereof (*Effective October*
636 *1, 2021*):

637 (i) The Commissioner of Public Health may take any disciplinary
638 action set forth in section 19a-17, as amended by this act, against an
639 eyelash technician for failure to conform to the accepted standards of
640 the profession, including, but not limited to: (1) Conviction of a felony
641 that is reasonably related to the license holder's ability to safely or
642 competently practice as an eyelash technician; (2) fraud or deceit in
643 obtaining or seeking reinstatement of a license to practice as an eyelash
644 technician; (3) fraud or deceit in the practice of an eyelash technician; (4)
645 negligent, incompetent or wrongful conduct in professional activities;
646 (5) physical, mental or emotional illness or disorder resulting in an
647 inability to conform to the accepted standards of the profession; or (6)
648 abuse or excessive use of drugs, including, alcohol, narcotics or
649 chemicals. The commissioner may order a license holder to submit to a

650 reasonable physical or mental examination if his or her physical or
651 mental capacity to practice safely is the subject of an investigation. The
652 commissioner may petition the superior court for the judicial district of
653 Hartford to enforce such order or any action taken pursuant to section
654 19a-17, as amended by this act. The commissioner shall give notice and
655 an opportunity to be heard on any contemplated action under section
656 19a-17, as amended by this act.

657 Sec. 17. Subsection (i) of section 20-265d of the general statutes is
658 repealed and the following is substituted in lieu thereof (*Effective October*
659 *1, 2021*):

660 (i) The Commissioner of Public Health may take any disciplinary
661 action set forth in section 19a-17, as amended by this act, against a nail
662 technician for failure to conform to the accepted standards of the
663 profession, including, but not limited to: (1) Conviction of a felony that
664 is reasonably related to the license holder's ability to safely or
665 competently practice as a nail technician; (2) fraud or deceit in obtaining
666 or seeking reinstatement of a license to practice as a nail technician; (3)
667 fraud or deceit in the practice of a nail technician; (4) negligent,
668 incompetent or wrongful conduct in professional activities; (5) physical,
669 mental or emotional illness or disorder resulting in an inability to
670 conform to the accepted standards of the profession; or (6) abuse or
671 excessive use of drugs, including, alcohol, narcotics or chemicals. The
672 commissioner may order a license holder to submit to a reasonable
673 physical or mental examination if his or her physical or mental capacity
674 to practice safely is the subject of an investigation. The commissioner
675 may petition the superior court for the judicial district of Hartford to
676 enforce such order or any action taken pursuant to section 19a-17, as
677 amended by this act. The commissioner shall give notice and an
678 opportunity to be heard on any contemplated action under section 19a-
679 17, as amended by this act.

680 Sec. 18. Subsection (a) of section 20-281a of the general statutes is
681 repealed and the following is substituted in lieu thereof (*Effective October*
682 *1, 2021*):

683 (a) After notice and hearing pursuant to section 20-280c, the board
684 may revoke any certificate, license or permit issued under section 20-
685 281c, 20-281d or 20-281e or the practice privilege of an individual who
686 qualifies under section 20-281n; suspend any such certificate,
687 registration, license, practice privilege or permit or refuse to renew any
688 such certificate, license or permit; reprimand, censure, or limit the scope
689 of practice of any licensee or individual that qualifies for the practice
690 privilege; impose a civil penalty not exceeding fifty thousand dollars
691 upon licensees, individuals who qualify for the practice privilege or
692 others violating provisions of section 20-281g or place any licensee or
693 individual that qualifies for the practice privilege on probation, all with
694 or without terms, conditions and limitations, for any one or more of the
695 following reasons:

696 (1) Fraud or deceit in obtaining a certificate, registration, license,
697 practice privilege or permit;

698 (2) Cancellation, revocation, suspension or refusal to renew authority
699 to engage in the practice of public accountancy in any other state for any
700 cause;

701 (3) Failure, on the part of a holder of a license or permit under section
702 20-281d or 20-281e, to maintain compliance with the requirements for
703 issuance or renewal of such license or permit or to report changes to the
704 board under subsection (h) of section 20-281d or subsection (f) of section
705 20-281e;

706 (4) Revocation, limitation or suspension of the right to practice before
707 any state or federal agency or the Public Company Accounting
708 Oversight Board under the Sarbanes-Oxley Act of 2002, or any of the
709 following actions taken by any such state or federal agency or said board
710 against a licensee or individual who qualifies for the practice privilege:
711 (A) Suspension of or barring a licensee from serving as a corporate
712 officer or director, (B) requiring such individual or licensee to disgorge
713 funds, or (C) suspension or barring such individual or a licensee from
714 association with a public accounting firm;

715 (5) Dishonesty, fraud or negligence in the practice of public
716 accountancy or in the filing or failure to file his own income tax returns;

717 (6) Violation of any provision of sections 20-279b to 20-281m,
718 inclusive, or regulation adopted by the board under said sections;

719 (7) Violation of any rule of professional conduct adopted by the board
720 under subdivision (4) of subsection (g) of section 20-280;

721 (8) Conviction of a felony that is reasonably related to the licensee's
722 ability to safely or competently engage in the practice of accountancy,
723 or of any crime an element of which is dishonesty or fraud, under the
724 laws of the United States, of this state, or of any other state if the acts
725 involved would have constituted a crime under the laws of this state,
726 subject to the provisions of section 46a-80;

727 (9) Performance of any fraudulent act while holding a registration,
728 certificate, license, practice privilege or permit issued under sections 20-
729 279b to 20-281m, inclusive, or prior law;

730 (10) Any conduct reflecting adversely upon the licensee's fitness to
731 engage in the practice of public accountancy; and

732 (11) Violation by anyone of any provision of section 20-281g.

733 Sec. 19. Section 20-294 of the general statutes is repealed and the
734 following is substituted in lieu thereof (*Effective October 1, 2021*):

735 The Commissioner of Consumer Protection or the board may
736 suspend for a definite period, not to exceed one year, or revoke any
737 license or certificate of authority issued under this chapter, after notice
738 and hearing in accordance with the regulations adopted by the
739 Commissioner of Consumer Protection, or may officially censure any
740 person holding any such license or certificate of authority and may
741 assess a civil penalty of up to one thousand dollars per violation, (1) if it
742 is shown that the license or certificate was obtained through fraud or
743 misrepresentation, (2) if the holder of the license or certificate has been
744 found guilty by the board, the commissioner or by a court of competent

745 jurisdiction of any fraud or deceit in such holder's professional practice
746 or has been convicted of a felony that is reasonably related to the
747 holder's ability to safely or competently perform the duties or
748 responsibilities associated with such license or certificate, (3) if the
749 holder of the license or certificate has been found guilty by the board or
750 the commissioner of gross incompetency or of negligence in the
751 planning or construction of buildings, or (4) if it is shown to the
752 satisfaction of the board or the commissioner that the holder of the
753 license or certificate has violated any provision of this chapter or any
754 regulation adopted under this chapter. Any such suspension or
755 revocation of a license or certificate by the board shall be a proposed
756 final decision and submitted to the commissioner in accordance with the
757 provisions of subsection (b) of section 21a-7. The board or the
758 commissioner may reissue any such license or certificate which has been
759 revoked, and may modify the suspension of any such license or
760 certificate which has been suspended.

761 Sec. 20. Subsection (c) of section 20-334 of the general statutes is
762 repealed and the following is substituted in lieu thereof (*Effective October*
763 *1, 2021*):

764 (c) The Commissioner of Consumer Protection and each board
765 established under section 20-331 may suspend or revoke any license or
766 certificate granted or issued by it under this chapter if the holder of such
767 license or certificate (1) is convicted of a felony [,] that is reasonably
768 related to the holder's ability to safely or competently perform the duties
769 or responsibilities associated with such license or certificate, (2) is
770 grossly incompetent, (3) engages in malpractice or unethical conduct or
771 knowingly makes false, misleading or deceptive representations
772 regarding his or her work, or (4) violates the regulations adopted under
773 this chapter. Before any such license is suspended or revoked, such
774 holder shall be given notice and opportunity for hearing as provided in
775 regulations adopted by the Commissioner of Consumer Protection. Any
776 person whose license has been suspended or revoked may, after ninety
777 days, apply to the board to have such license reinstated. Any such
778 suspension or revocation of a license or certification by the board shall

779 be a proposed final decision and submitted to the commissioner in
780 accordance with the provisions of subsection (b) of section 21a-7.

781 Sec. 21. Subsection (b) of section 20-341gg of the general statutes is
782 repealed and the following is substituted in lieu thereof (*Effective October*
783 *1, 2021*):

784 (b) No person shall engage in or offer to perform the work of any
785 major contractor in this state on any proposed structure or existing
786 structure or addition that exceeds the threshold limits contained in
787 section 29-276b unless such person has first obtained a license or
788 certificate of registration as required under the provisions of chapter 539
789 or a registration from the Department of Consumer Protection in
790 accordance with the provisions of this section. Individuals licensed
791 under chapter 393 shall be exempt from the provisions of this chapter
792 while engaging in work that they are licensed to perform. The
793 department shall issue a certificate of registration to any person who is
794 prequalified pursuant to section 4a-100 who applies for registration in
795 accordance with this section. Such prequalified person shall not be
796 required to pay a fee for such registration at any time that the person
797 maintains valid prequalification. If the individual or the firm, company,
798 partnership or corporation employing such individual is engaged in
799 work on a structure or addition that exceeds the threshold limits
800 contained in section 29-276b and requires licensure under chapter 393,
801 the firm, company, partnership or corporation shall be exempt from the
802 provisions of this chapter concerning registration of major contractors,
803 if the firm, company, partnership or corporation employs an individual
804 who is licensed as a contractor under chapter 393 to perform such work.
805 The department shall furnish to each qualified applicant a registration
806 certifying that the holder of such registration is entitled to engage in the
807 work for which the person has been issued a registration under this
808 subsection, and the holder of such registration shall carry it on his
809 person while engaging in such work. Such registration shall be shown
810 to any properly interested person upon request. No such registration
811 shall be transferred to or used by any person other than the person to
812 whom the registration was issued. The department shall maintain

813 rosters of registrants and shall update such rosters annually. The
814 department may provide copies of rosters to the public for an
815 appropriate fee. The department may suspend or revoke any
816 registration issued by the department if the holder of such registration
817 is convicted of a felony that is reasonably related to the holder's ability
818 to safely or competently perform work under such registration, is
819 grossly incompetent, is disqualified, pursuant to section 4a-100 or
820 whose prequalification certificate has been revoked pursuant to section
821 4a-100, engages in malpractice or unethical conduct or knowingly
822 makes false, misleading or deceptive representations regarding his
823 work or violates any regulation adopted under subsection (c) of this
824 section. Before any registration is suspended or revoked, such holder
825 shall be given notice and an opportunity for hearing as provided in
826 regulations adopted under subsection (c) of this section. The
827 Commissioner of Consumer Protection shall provide written notice of
828 any suspension or revocation of a registration to the Commissioner of
829 Administrative Services not later than ten days after such suspension or
830 revocation.

831 Sec. 22. Section 20-363 of the general statutes is repealed and the
832 following is substituted in lieu thereof (*Effective October 1, 2021*):

833 The commissioner may refuse to issue or renew or may suspend or
834 revoke a license or take any of the actions set forth in section 19a-17, as
835 amended by this act, upon proof that the applicant or license holder (1)
836 has employed or knowingly cooperated in fraud or material deception
837 in order to obtain a license or has engaged in fraud or material deception
838 in the course of professional services or activities at any place; (2) has
839 been guilty of illegal, incompetent or negligent conduct in his or her
840 practice; (3) has violated any provision of this chapter or any regulation
841 adopted under this chapter; (4) has been found guilty or convicted as a
842 result of an act which constitutes a felony under (A) the laws of this
843 state, (B) federal law, or (C) the laws of another jurisdiction and which,
844 if committed within this state, would have constituted a felony under
845 the laws of this state, provided such felony is reasonably related to the
846 applicant's or holder's ability to safely or competently perform work

847 under such license; or (5) has been subject to disciplinary action similar
848 to that specified in section 19a-17, as amended by this act, by a duly
849 authorized professional disciplinary agency of any state, the District of
850 Columbia, a United States possession or territory, or a foreign
851 jurisdiction. The commissioner may petition the superior court for the
852 judicial district of Hartford to enforce any action taken pursuant to
853 section 19a-17, as amended by this act. Before the commissioner may
854 suspend, revoke or refuse to renew a license or take such other action,
855 the commissioner shall give the applicant or license holder notice and
856 opportunity for hearing as provided in the regulations adopted by the
857 commissioner.

858 Sec. 23. Section 20-442a of the general statutes is repealed and the
859 following is substituted in lieu thereof (*Effective October 1, 2021*):

860 The department may take any action set forth in section 19a-17, as
861 amended by this act, and subsection (f) of section 19a-88 against a
862 person or entity licensed or certified pursuant to chapter 400a for
863 reasons including, but not limited to, the following: (1) Conviction of a
864 felony that is reasonably related to the person's or entity's ability to
865 safely or competently perform professional activities under such license
866 or certificate; (2) fraud or deceit in the practice of such person's or
867 entity's profession; (3) negligent, incompetent or wrongful conduct in
868 professional activities; (4) misrepresentation or concealment of a
869 material fact in the obtaining, reinstatement or renewal of a license or
870 certificate; or (5) violation of any provision of chapter 400a, or any
871 regulation adopted thereunder. The commissioner may petition the
872 superior court for the judicial district of Hartford to enforce such order
873 or any action taken pursuant to section 19a-17, as amended by this act.
874 Notice of any contemplated action under section 19a-17, as amended by
875 this act, the cause of action and the date of a hearing on the action shall
876 be given and an opportunity for hearing afforded in accordance with
877 the provisions of chapter 54.

878 Sec. 24. Section 20-481 of the general statutes is repealed and the
879 following is substituted in lieu thereof (*Effective October 1, 2021*):

880 The department may take any action set forth in section 19a-17, as
881 amended by this act, against a person or entity issued a license or
882 certificate pursuant to sections 20-474 to 20-482, inclusive, and
883 subsections (e) and (f) of section 19a-88 for reasons including, but not
884 limited to, the following: Conviction of a felony that is reasonably
885 related to the person's or entity's ability to safely or competently
886 perform professional activities under such license or certificate; fraud or
887 deceit in the practice of his profession; negligent, incompetent or
888 wrongful conduct in professional activities; misrepresentation or
889 concealment of a material fact in the obtaining, reinstatement or renewal
890 of a license; or violation of any provision of sections 20-474 to 20-482,
891 inclusive, and subsections (e) and (f) of section 19a-88 or any regulation
892 adopted thereunder. The commissioner may petition the superior court
893 for the judicial district of Hartford to enforce such order or any action
894 taken pursuant to [said] section 19a-17, as amended by this act. Notice
895 of any contemplated action under [said] section 19a-17, as amended by
896 this act, the cause of action and the date of a hearing on the action shall
897 be given and an opportunity for hearing afforded in accordance with
898 the provisions of chapter 54.

899 Sec. 25. Subsection (i) of section 20-540 of the general statutes is
900 repealed and the following is substituted in lieu thereof (*Effective October*
901 *1, 2021*):

902 (i) The Department of Consumer Protection may suspend or revoke
903 a certificate granted or issued by it pursuant to this section if the holder
904 of such certificate is convicted of a felony that is reasonably related to
905 the holder's ability to safely or competently perform work under such
906 certificate, is grossly incompetent, engages in malpractice or unethical
907 conduct or knowingly makes false, misleading or deceptive
908 representations regarding his work. Prior to such suspension or
909 revocation, such holder shall be given notice and an opportunity for
910 hearing as provided in regulations adopted by the Commissioner of
911 Consumer Protection. Any person whose certificate has been suspended
912 may, after ninety days, apply to the department to have such certificate
913 reinstated.

914 Sec. 26. Subsection (a) of section 22a-66e of the general statutes is
915 repealed and the following is substituted in lieu thereof (*Effective October*
916 *1, 2021*):

917 (a) The grounds for denial, revocation or suspension of a registration
918 shall include, but not be limited to:

919 (1) Violation of any provision of this chapter, as amended, or any
920 regulation, permit, certificate, registration or order adopted,
921 administered or issued pursuant thereto;

922 (2) Inclusion of false or misleading information in an application or
923 failure to notify the commissioner of a change as required by section
924 22a-66c;

925 (3) Inclusion of false or misleading information in records required to
926 be maintained pursuant to section 22a-66g, the failure to maintain such
927 records, or the failure to provide the commissioner with the records
928 required by said section;

929 (4) Use of a pesticide in a manner inconsistent with the registered
930 labeling or with state or federal restrictions on the use of such pesticide;

931 (5) Application of pesticides generally known in the trade to be
932 ineffective or improper for the intended use;

933 (6) Operation of faulty or unsafe equipment which may result in
934 improper application or harm to the environment, the applicator or
935 others from the pesticide;

936 (7) Application of a pesticide in a faulty, careless or negligent manner;

937 (8) Aiding or abetting a certified or uncertified person to evade the
938 provisions of this chapter, as amended, or any regulation, permit,
939 certificate, registration or order adopted, administered or issued
940 pursuant thereto;

941 (9) The making of a false or misleading statement during an
942 inspection or investigation concerning an infestation of pests, an

943 accident in applying a pesticide, misuse of a pesticide, or violation of a
944 statute, regulation, certificate, registration or order;

945 (10) The performance of work, whether or not for compensation, in a
946 category for which the applicator is not certified; and

947 (11) The conviction of the applicant or owner of a pesticide
948 application business of a felony, as defined in section 53a-25, that is
949 reasonably related to the applicant's or owner's ability to safely or
950 competently perform work under such registration.

951 Sec. 27. Subsection (c) of section 23-61i of the general statutes is
952 repealed and the following is substituted in lieu thereof (*Effective October*
953 *1, 2021*):

954 (c) The grounds for denial, revocation or suspension of a certificate of
955 registration shall include the following:

956 (1) Violation of any provision of this chapter or chapter 441 or any
957 regulation, permit, certificate, registration or order adopted, issued or
958 administered or issued pursuant to this chapter and chapter 441;

959 (2) Inclusion of false or misleading information in an application or
960 the failure to notify the commissioner of a change, as required by section
961 23-61h;

962 (3) Inclusion of false or misleading information in records required to
963 be maintained pursuant to section 23-61k, or the failure to maintain such
964 records or provide the commissioner with the records required by
965 section 23-61k;

966 (4) Use of a pesticide in a manner inconsistent with the registered
967 labeling or with state or federal restrictions on the use of such pesticide;

968 (5) Application of pesticides generally known in the trade to be
969 ineffective or improper for the intended use;

970 (6) Operation of faulty or unsafe equipment which may result in
971 improper pesticide application or harm to the environment, a worker or

972 other persons;

973 (7) Application of a pesticide or performance of arboriculture in a
974 faulty, careless or negligent manner;

975 (8) Aiding or abetting a licensed or unlicensed person to evade the
976 provisions of this chapter or chapter 441 or any regulation, permit,
977 certificate, registration or order adopted, issued or administered
978 pursuant to this chapter and chapter 441;

979 (9) The making of a false or misleading statement during an
980 inspection or investigation concerning an infestation of pests, an
981 accident in applying a pesticide, misuse of a pesticide, or violation of a
982 statute, regulation, certificate, registration or order;

983 (10) The performance of arboriculture which does not meet generally
984 accepted industry standards;

985 (11) The performance of work, whether or not for compensation, in a
986 category for which the arborist is not certified; and

987 (12) The conviction of the applicant of a felony, as defined in section
988 53a-25, that is reasonably related to the applicant's ability to safely or
989 competently perform work under such certification.

990 Sec. 28. Section 29-158 of the general statutes is repealed and the
991 following is substituted in lieu thereof (*Effective October 1, 2021*):

992 Any license or registration issued under the provisions of sections 29-
993 153 to 29-161, inclusive, may be suspended or revoked by the
994 commissioner, after giving notice and an opportunity to be heard to the
995 licensee or registrant when the commissioner finds that the licensee or
996 registrant has: (1) Violated any of the terms or provisions of sections 29-
997 153 to 29-161, inclusive, or any of the regulations adopted thereunder;
998 (2) practiced fraud, deceit or misrepresentation in dealing with the
999 clients of the licensee or registrant; (3) made a material misstatement in
1000 the application for issuance of such license or registration, or, in the case
1001 of a licensee, in the application for renewal of such license; (4)

1002 demonstrated incompetence or untrustworthiness in the conduct of the
1003 business; or (5) been convicted of a felony or other crime involving
1004 moral turpitude, that is reasonably related to the licensee's or
1005 registrant's ability to safely or competently perform work under such
1006 license or registration. If the licensee or registrant has been convicted
1007 under section 53a-61 or 53a-62, the commissioner shall consider the facts
1008 and circumstances surrounding such conviction prior to suspending or
1009 revoking the license or registration. Any party aggrieved by an order of
1010 the commissioner under the provisions of this section may appeal
1011 therefrom in accordance with the provisions of section 4-183, except the
1012 venue for such appeal shall be the judicial district of New Britain.

1013 Sec. 29. Section 29-161v of the general statutes is repealed and the
1014 following is substituted in lieu thereof (*Effective October 1, 2021*):

1015 Any license for a security service or security officer or approval as a
1016 security officer instructor may be suspended or revoked by the
1017 Commissioner of Emergency Services and Public Protection, provided
1018 notice shall have been given to the licensee or instructor to appear before
1019 the commissioner to show cause why the license or approval should not
1020 be suspended or revoked, upon a finding by the commissioner that: (1)
1021 The licensee has violated any of the terms or provisions of sections 29-
1022 161g to 29-161x, inclusive, or in the case of an instructor, section 29-161q,
1023 or any of the regulations adopted pursuant to section 29-161x; (2) the
1024 licensee or instructor has practiced fraud, deceit or misrepresentation;
1025 (3) the licensee or instructor has made a material misstatement in the
1026 application for issuance or renewal of the license or approval; (4) the
1027 licensee or instructor has demonstrated incompetence or
1028 untrustworthiness in the conduct of the business; or (5) the licensee or
1029 instructor has been convicted of a felony that is reasonably related to the
1030 licensee's or instructor's ability to safely or competently perform work
1031 under such license approval or [other] a crime affecting the licensee's or
1032 instructor's honesty [.] or integrity. [or moral fitness.] Any party
1033 aggrieved by an order of the commissioner under this section may
1034 appeal therefrom in accordance with the provisions of section 4-183,
1035 except the venue for such appeal shall be the judicial district of New

1036 Britain.

1037 Sec. 30. Subsection (a) of section 30-47 of the general statutes is
1038 repealed and the following is substituted in lieu thereof (*Effective October*
1039 *1, 2021*):

1040 (a) The Department of Consumer Protection may, in its discretion,
1041 suspend, revoke or refuse to grant or renew a permit for the sale of
1042 alcoholic liquor if it has reasonable cause to believe: (1) That the
1043 applicant or permittee appears to be financially irresponsible or neglects
1044 to provide for his family, or neglects or is unable to pay his just debts;
1045 (2) that the applicant or permittee has been provided with funds by any
1046 wholesaler or manufacturer or has any forbidden connection with any
1047 other class of permittee as provided in this chapter; (3) that the applicant
1048 or permittee is in the habit of using alcoholic beverages to excess; (4) that
1049 the applicant or permittee has wilfully made any false statement to the
1050 department in a material matter; (5) that the applicant or permittee has
1051 been convicted of violating any of the liquor laws of this or any other
1052 state or the liquor laws of the United States or has been convicted of a
1053 felony, as such term is defined in section 53a-25, that is reasonably
1054 related to the holder's ability to safely or competently perform the duties
1055 associated with such permit, or has such a criminal record that the
1056 department reasonably believes he is not a suitable person to hold a
1057 permit, provided no refusal shall be rendered under this subdivision
1058 except in accordance with the provisions of sections 46a-80 and 46a-81,
1059 as amended by this act; (6) that the applicant or permittee has not been
1060 delegated full authority and control of the permit premises and of the
1061 conduct of all business on such premises; or (7) that the applicant or
1062 permittee has violated any provision of this chapter or any regulation
1063 adopted under this chapter. Any backer shall be subject to the same
1064 disqualifications as provided in this section in the case of an applicant
1065 for a permit or a permittee.

1066 Sec. 31. Section 20-333 of the general statutes is repealed and the
1067 following is substituted in lieu thereof (*Effective October 1, 2021*):

1068 (a) To obtain a license under this chapter, an applicant shall have

1069 attained such applicant's eighteenth birthday and shall furnish such
1070 evidence of competency as the appropriate board or the Commissioner
1071 of Consumer Protection shall require. A recommendation for review
1072 issued pursuant to section 31-22u shall be sufficient to demonstrate such
1073 competency. The applicant shall satisfy such board or the commissioner
1074 that such applicant [is of good moral character,] possesses a diploma or
1075 other evidence of graduation from the eighth grade of grammar school,
1076 or possesses an equivalent education to be determined on examination
1077 and has the requisite skill to perform the work in the trade for which
1078 such applicant is applying for a license and can comply with all other
1079 requirements of this chapter and the regulations adopted under this
1080 chapter. A recommendation for review issued pursuant to section 31-
1081 22u shall be sufficient to demonstrate that an applicant possesses such
1082 requisite skill and can comply with all other requirements of this chapter
1083 and the regulations adopted under this chapter. For any application
1084 submitted pursuant to this section that requires a hearing or other action
1085 by the applicable examining board or the commissioner, such hearing
1086 or other action by the applicable examining board or the commissioner
1087 shall occur not later than thirty days after the date of submission for
1088 such application. Upon application for any such license, the applicant
1089 shall pay to the department a nonrefundable application fee of ninety
1090 dollars for a license under subdivisions (2) and (3) of subsection (a) and
1091 subdivision (4) of subsection (e) of section 20-334a, or a nonrefundable
1092 application fee of one hundred fifty dollars for a license under
1093 subdivision (1) of subsection (a), subdivisions (1) and (2) of subsection
1094 (b), subdivision (1) of subsection (c) and subdivisions (1), (2) and (3) of
1095 subsection (e) of section 20-334a. Any such application fee shall be
1096 waived for persons who present a recommendation for review issued
1097 pursuant to section 31-22u.

1098 (b) The department shall conduct such written, oral and practical
1099 examinations as the appropriate board, with the consent of the
1100 commissioner, deems necessary to test the knowledge of the applicant
1101 in the work for which a license is being sought. The department shall
1102 allow any applicant, who has not participated in an apprenticeship
1103 program but presents a recommendation for review issued pursuant to

1104 section 31-22u, to sit for any such examination. Any person completing
1105 the required apprentice training program for a journeyman's license
1106 under section 20-334a shall, within thirty days following such
1107 completion, apply for a licensure examination given by the department.
1108 If an applicant does not pass such licensure examination, the
1109 commissioner shall provide each failed applicant with information on
1110 how to retake the examination and a report describing the applicant's
1111 strengths and weaknesses in such examination. Any apprentice permit
1112 issued under section 20-334a to an applicant who fails three licensure
1113 examinations in any one-year period shall remain in effect if such
1114 applicant applies for and takes the first licensure examination given by
1115 the department following the one-year period from the date of such
1116 applicant's third and last unsuccessful licensure examination.
1117 Otherwise, such permit shall be revoked as of the date of the first
1118 examination given by the department following expiration of such
1119 one-year period.

1120 (c) The Commissioner of Consumer Protection, subject to section 46a-
1121 80, as amended by this act, may issue a license pursuant to a consent
1122 order containing conditions that shall be met by the applicant if the
1123 applicant reports that he or she has been found guilty or convicted as a
1124 result of an act which (1) constitutes a felony under (A) the laws of this
1125 state at the time of application for such license, (B) federal law at the
1126 time of application for such license, or (C) the laws of another
1127 jurisdiction, and which, if committed within this state, would constitute
1128 a felony under the laws of this state, and (2) is reasonably related to the
1129 applicant's ability to safely or competently perform the duties or
1130 responsibilities associated with such license.

1131 ~~[(c)]~~ (d) When an applicant has qualified for a license, the department
1132 shall, upon receipt of the license fee or upon waiver of such fee pursuant
1133 to section 20-335, issue to such applicant a license entitling such
1134 applicant to engage in the work or occupation for which a license was
1135 sought and shall register each successful applicant's name and address
1136 in the roster of licensed persons authorized to engage in the work or
1137 occupation within the appropriate board's authority. All fees and other

1138 moneys collected by the department shall be promptly transmitted to
1139 the State Treasurer as provided in section 4-32.

1140 Sec. 32. (NEW) (*Effective October 1, 2021*) The Departments of
1141 Administrative Services, Agriculture, Consumer Protection, Correction,
1142 Emergency Services and Public Protection and Public Health, the Labor
1143 Department, and the Office of Early Childhood shall, not later than
1144 January 1, 2022, report to the Secretary of the Office of Policy and
1145 Management on (1) the number of employees that perform background
1146 checks related to the agency's licensing functions, the job classifications
1147 of such employees and the type or level of clearance of the background
1148 checks that are being performed, (2) the number of hours each such
1149 employee spends on average per week performing background checks,
1150 (3) for any licenses in which some education or training is required of
1151 the applicant prior to obtaining a license, the feasibility of establishing a
1152 preclearance assessment of criminal history prior to potential applicants
1153 beginning such education or training, and (4) the feasibility of
1154 centralizing and standardizing background checks performed by state
1155 agencies and an assessment of any related issues of delegation of
1156 authority by such agencies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	46a-79
Sec. 2	<i>October 1, 2021</i>	46a-51
Sec. 3	<i>October 1, 2021</i>	46a-80
Sec. 4	<i>October 1, 2021</i>	46a-81
Sec. 5	<i>October 1, 2021</i>	46a-59
Sec. 6	<i>October 1, 2021</i>	46a-74
Sec. 7	<i>October 1, 2021</i>	New section
Sec. 8	<i>July 1, 2021</i>	New section
Sec. 9	<i>October 1, 2021</i>	19a-14(a)
Sec. 10	<i>October 1, 2021</i>	19a-17(a)
Sec. 11	<i>October 1, 2021</i>	20-195p
Sec. 12	<i>October 1, 2021</i>	20-195ee
Sec. 13	<i>October 1, 2021</i>	20-195qqq
Sec. 14	<i>October 1, 2021</i>	20-206s

Sec. 15	October 1, 2021	20-265b(i)
Sec. 16	October 1, 2021	20-265c(i)
Sec. 17	October 1, 2021	20-265d(i)
Sec. 18	October 1, 2021	20-281a(a)
Sec. 19	October 1, 2021	20-294
Sec. 20	October 1, 2021	20-334(c)
Sec. 21	October 1, 2021	20-341gg(b)
Sec. 22	October 1, 2021	20-363
Sec. 23	October 1, 2021	20-442a
Sec. 24	October 1, 2021	20-481
Sec. 25	October 1, 2021	20-540(i)
Sec. 26	October 1, 2021	22a-66e(a)
Sec. 27	October 1, 2021	23-61i(c)
Sec. 28	October 1, 2021	29-158
Sec. 29	October 1, 2021	29-161v
Sec. 30	October 1, 2021	30-47(a)
Sec. 31	October 1, 2021	20-333
Sec. 32	October 1, 2021	New section

Statement of Legislative Commissioners:

In Sections 3(b)(2) and 4(a)(2), "with criminal history record information" was deleted for consistency with standard drafting conventions; Section 4(b) was rewritten for accuracy and clarity; in Section 8(a), "and other state governing law" was deleted for consistency with standard drafting conventions; in Section 8(b), "at Central Connecticut State University" was added after "Policy" for accuracy and clarity; in Section 8(d), "sixty days after the effective date of this section" was changed to "September 1, 2021" for clarity and consistency with standard drafting conventions; and in Section 32, "within ninety days" was changed to "not later than January 1, 2022" for clarity and the last sentence was rewritten and designated as Subdiv. (4).

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes it a discriminatory practice for employers to deny employment to someone because of their criminal record. Currently, someone victimized by a discriminatory practice can file a discrimination complaint with the Commission on Human Rights and Opportunities (CHRO), which investigates and enforces anti-discrimination laws.

This provision is not anticipated to result in a fiscal impact to CHRO based on the additional number of complaints expected under the bill's provisions. In FY 19, there were 2,028 employment cases were filed with CHRO and in FY 20, there were 1,922 similar cases filed with the agency. It is estimated that the additional 120 cases expected under the bill can be handled by the 39 staff persons currently employed by CHRO.

Sections 19 - 31 make it a discriminatory practice for the commissioners of Consumer Protection, Emergency Services and Public Protection, and Public Health to deny an occupational license based solely on criminal records. This is not anticipated to result in a fiscal impact to the state.

The bill establishes a 10-member Council on the Elimination of Occupational License Collateral Consequences and requires it to identify state laws that create barriers for someone to obtain an occupational license based on their criminal records. The bill also

requires several state agencies to report certain information about their practices and procedures for performing background checks.

The bill requires the council, by February 1, 2022, to submit a report on its recommendations to Labor Committee. This section of the bill has no fiscal impact as PA 17-236 prohibits transportation allowances for council members.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6474

AN ACT CONCERNING COLLATERAL EMPLOYMENT CONSEQUENCES OF A CRIMINAL RECORD.

SUMMARY

This bill generally makes it a discriminatory practice for employers with at least three employees to deny employment to someone solely because of their “criminal history record information” (i.e., criminal records). It similarly makes it a discriminatory practice for state licensing agencies to deny an occupational license, permit, certificate, or registration to someone solely because of their criminal records. By law, someone aggrieved by a discriminatory practice may file a discrimination complaint with the Commission on Human Rights and Opportunities, which investigates and enforces anti-discrimination laws.

However, the bill allows employers and licensing agencies to deny employment or a license if an individualized assessment shows that the denial is consistent with business necessity because (1) there is a substantial nexus between the circumstances of the person’s criminal records and prospective employment or license; (2) there is substantial evidence that the person has not been rehabilitated; and (3) insufficient time has passed since the acts underlying the criminal records.

The bill also exempts certain positions, such as those in law enforcement agencies and those for which a law specifically disqualifies someone because of a prior criminal conviction. And it allows a law that requires an employer to discriminate based on criminal records to be a defense to a discriminatory practice claim.

The bill also makes it a discriminatory practice for any professional or trade association, board, or other organization representing a

profession, trade, or occupation that requires a state license to refuse to accept someone as a member because of his or her criminal records.

The bill limits the circumstances under which various occupational licensing agencies, boards, and commissions, may take disciplinary action against a practitioner (e.g., by revoking or suspending a license) because the practitioner was found guilty or convicted of a felony. It allows them to do so only when the felony is reasonably related to practitioner's ability to safely or competently perform the duties or responsibilities associated with the license, certificate, permit, registration, or practice.

The bill establishes the 10-member Council on the Elimination of Occupational License Collateral Consequences and requires it to identify state laws that create barriers for someone to obtain an occupational license based on their criminal records. The bill also requires several state agencies to report certain information about their practices and procedures for performing background checks.

It also makes various minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2021, except the provision establishing the Council on the Elimination of Occupational License Collateral Consequences (§ 8) is effective July 1, 2021.

§ 2 — DEFINITIONS

Under the bill, "criminal history record information" includes court records and information obtained from the Judicial Department about (1) arrests, releases, detentions, indictments, and information; (2) other formal criminal charges or any events and outcomes arising from them, including pleas, trials, convictions, sentences, appeals, incarcerations, correctional supervision, paroles and releases, and outstanding judgments; and (3) any other conviction information or any records, documents, and information based on them.

"Occupational license" means any license, permit, certificate, registration, or other means to engage in an occupation, trade, vocation,

business, or profession. A “licensing agency” is a board, agency, department, commission, or other state agency authorized to grant or deny occupational licenses.

“Employers” under the bill are all employers with at least three employees, including the state and its political subdivisions.

§§ 3-4 & 6 — DENIALS OF EMPLOYMENT OR OCCUPATIONAL LICENSES

Denial Solely Because of Criminal Records (§ 3(a))

Current law generally prohibits the state from disqualifying someone from state employment or from practicing, pursuing, or engaging in an occupation, trade, vocation, profession, or business that requires a state-issued license, permit, certificate, or registration solely because of the person’s prior conviction of a crime.

The bill expands this prohibition to cover all “employers” and the actions taken directly or through their agents. It also broadens the protections to prohibit (1) discrimination in terms, conditions, or privileges of employment and (2) actions taken solely based on the person’s criminal records, rather than only convictions.

Exceptions. Under the bill, as under current law, the above prohibitions do not apply to (1) licenses for a mortgage lender, mortgage correspondent lender, or mortgage broker or (2) law enforcement agencies (see below).

Denial by Reason of Criminal Records (§ 3(b)-(c))

Current law generally allows the state to deny employment or an occupational license to someone by reason of their prior criminal conviction only after considering (1) the nature of the crime and its relationship to the job for which the person applied; (2) information about the extent of the person’s rehabilitation; and (3) how much time has passed since the person’s conviction or release from incarceration.

The bill instead generally prohibits employers and employment agencies from denying employment, and the state and state agencies

from denying an occupational license, to someone by reason of their criminal records unless they first conduct an individualized assessment. As under current law, the prohibition does not apply to positions for which a state law specifically disqualifies someone from employment because of their criminal records for a prior criminal conviction.

Individualized Assessment. Under the bill, employment may be denied if, after conducting an individualized assessment, the employer or employment agency determines in good faith that the denial is consistent with business necessity because:

1. there is a substantial nexus between the circumstances of the person's criminal records and prospective employment, considering the specific facts of the criminal records and the job's essential functions and specific circumstances;
2. there is substantial evidence that the person has not been rehabilitated; and
3. insufficient time has passed since the acts underlying the criminal records.

As current law requires for the state, the bill requires that an employer (but not an employment agency), in determining whether the person has been rehabilitated, presume that a provisional pardon or certificate of rehabilitation establishes that the person has been rehabilitated.

Denials. Under the bill, if the employer denies the application based in whole or in part on someone's criminal records, it must give the applicant a written statement of its reasons for doing so. Current law requires the state to do this when it denies an application based on a conviction for which the applicant received a provisional pardon or certificate of rehabilitation.

Similar to the current law for the state, if criminal records are used as a basis for rejecting an applicant, the rejection must (1) be in writing, (2) specifically state the evidence presented and reasons for rejection, and

(3) be sent to the applicant by registered mail.

The bill also prohibits any state department, board, or agency from permitting any discriminatory practice that violates the provisions described above (§ 6).

***Denial of Occupational License on the Basis of Criminal Records
(§ 4(a))***

Under the bill, an occupational license must not be denied to someone on the basis of their criminal records unless the licensing agency responsible for issuing the license conducts an individualized assessment. (It is unclear how denying a license “on the basis of” criminal records differs from denying one “by reason of” criminal records, as previously described.)

As with the employment provision, the bill allows a licensing agency to deny an occupational license if, after conducting an individualized assessment, the agency determines in good faith that:

1. there is a substantial nexus between the circumstances of the person’s criminal records and the occupational license, considering the specific facts of the criminal records and the license holder’s essential functions;
2. there is substantial evidence that the person has not been rehabilitated; and
3. insufficient time has passed since the acts underlying the criminal records.

In determining whether the person has been rehabilitated, the licensing agency must presume that a provisional pardon or certificate of rehabilitation establishes that the person has been rehabilitated. If the licensing agency denies the application, based in whole or in part on criminal records, it must give the applicant a written statement of its reasons for doing so.

Relation to Other State Laws. Current law provides that the laws

that generally prohibit the state from denying employment or an occupational license to someone because of a prior criminal conviction prevail over other laws that govern the (1) denial of occupational licenses on the grounds of someone's good moral character or (2) suspension or revocation of occupational licenses on the grounds of a criminal conviction. The bill broadens this provision to also cover when these actions are taken on the grounds of someone's criminal records. As under the current law, this does not cover licenses for a mortgage lender, mortgage correspondent lender, or mortgage broker (§ 4).

Job Ads (§ 3(c))

The bill generally prohibits employers and employment agencies from advertising employment opportunities in a way that restricts the employment for applicants with criminal records. But it exempts positions for which state law specifically disqualifies someone from employment because of their criminal records.

§ 4 — LAW ENFORCEMENT EXCEPTION

Current law exempts law enforcement agencies from the laws that generally prohibit the state from denying employment to someone because of a prior criminal conviction. The bill further specifies that it is not a discriminatory practice for a law enforcement agency to take the following actions against someone based on their criminal records: (1) refuse to hire or employ; (2) bar or discharge from employment; or (3) discriminate in compensation or terms, conditions, or privileges of employment.

As under current law, the bill specifies that it does not preclude law enforcement agencies from adopting the policy set forth in the provisions of the bill described above or in the statutory statement on discrimination based on criminal records (see § 1 below; the bill also references several other statutes and sections of the bill that do not appear to be applicable).

§ 7 — DEFENSES TO DISCRIMINATION CLAIMS

Under the bill, to the extent that another governing law, including

federal law, requires an employer to discriminate based on criminal records, the other governing law is a defense to a claim of discriminatory practice.

The bill also requires that in a civil action for the death to, injury of, or damage to a third person caused by the intentional act of someone with criminal records, anyone who employs a person with criminal records must be presumed to have been not negligent in entering into transactions mandated by state law's relevant provisions.

§§ 9-31 — OCCUPATIONAL LICENSE DISCIPLINARY ACTIONS

Embalmers and Funeral Directors (§ 9)

The law generally authorizes the Department of Health (DPH) to deny an occupational permit or license for an applicant who has been found guilty or convicted of a felony (in Connecticut, under federal law, or in any other jurisdiction if it would have been a felony in Connecticut). Under current law, however, DPH cannot do this for barbers, hairdressers, or cosmeticians. The bill broadens this exception to also cover licenses for embalmers and funeral directors.

Immediate Disciplinary Actions (§ 10)

Current law allows various occupational licensing boards or commissions, and DPH, to take certain actions against a practitioner summarily (immediately) if they receive proof that the practitioner was found guilty or convicted of a felony. These disciplinary actions include summarily revoking or suspending a license or permit, censuring or reprimanding the practitioner, limiting or restricting the practitioner's practice, placing the practitioner on probationary status, and assessing a civil penalty up to \$25,000.

Under the bill, these disciplinary actions cannot be taken summarily against licensed clinical social workers and master social workers, professional counselors, art therapists, dietician-nutritionists, embalmers or funeral directors, barbers, hairdressers, cosmeticians, estheticians, eyelash technicians, or nail technicians who were found guilty or convicted of a felony.

Regular Disciplinary Actions (§§ 11-30)

Current law also allows the various occupational licensing boards or commissions and state agencies to take certain actions (but not summarily) against a practitioner who was convicted of a felony. These actions may include the full range of disciplinary actions discussed above or be limited to revoking or suspending the applicable license, permit, or certification. In some instances, they also include denying a license or license renewal.

The bill limits the circumstances under which these actions may be taken by allowing them only when the felony conviction is reasonably related to practitioner's ability to safely or competently perform the duties or responsibilities associated with the license, certificate, permit, registration, or practice (as applicable). Table 1 shows the occupations to which the bill applies these limitations.

Table 1: Occupations with Disciplinary Actions Limited by the Bill

Bill Section	Statute (CGS §)	Occupation
11	20-195p	Clinical social worker and master social worker
12	20-195ee	Professional counselor
13	20-195qqq	Art therapist
14	20-206s	Dietician-nutritionist
15	20-265b	Esthetician
16	20-265c	Eyelash technician
17	20-265d	Nail technician
18	20-281a	Public accountant
19	20-294	Architect
20	20-334	Tradesperson in electrical; plumbing and piping; solar; heating, piping, cooling, and sheet metal; fire protection sprinkler systems; elevator installation, repair, and maintenance; irrigation; automotive glass;

		flat glass; or gas hearth work field Residential stair lift technician; swimming pool builder (and other occupations covered by Chapter 393)
21	20-341gg	Major contractor
22	20-363	Sanitarian
23	20-442a	Asbestos contractor and consultant
24	20-481	Lead abatement consultant, contractor, and worker
25	20-540	Public service gas technician
26	22a-66e	Pesticide application business (also similarly limits the ability to deny a registration)
27	23-61i	Arborist business (also similarly limits the ability to deny a certificate or registration)
28	29-158	Private detective business
29	29-161v	Security service, security officer, and security officer instructor
30	30-47	Liquor permittee (also similarly limits the ability to grant or renew a permit)

Trades Licenses (§ 31)

The bill eliminates a current requirement that applicants for certain licenses be of “good moral character” (see occupations under § 20 in Table 1 above).

It also allows the DCP commissioner to issue a license (presumably for these occupations) under a consent order that sets conditions an applicant must meet if the applicant was convicted of a felony and the crime is reasonably related to the applicant's ability to safely or competently perform the duties or responsibilities associated with the license.

§ 8 — COUNCIL ON THE ELIMINATION OF OCCUPATIONAL LICENSE COLLATERAL CONSEQUENCES

The bill establishes the Council on the Elimination of Occupational License Collateral Consequences as part of the Legislative Department. The council must identify state statutes, regulations, and other laws that create barriers for someone to obtain an occupational license based on their criminal records or that otherwise conflict with § 4 of the bill. The council must also develop recommendations for amending or eliminating these laws to ensure their compliance with § 3 of the bill and the statutory statement on discrimination based on criminal records (see § 1 summary below; the bill also references several other statutes and sections of the bill that do not appear to be applicable).

The bill requires the council, by February 1, 2021, to submit a report on its recommendations to Labor Committee (the council will be unable to meet this deadline as it has already passed).

Council Members

The bill establishes the council with seven ex-officio members and three appointed members. The ex-officio members are the (1) chairpersons and ranking members of the Labor Committee; (2) the labor commissioner; (3) the consumer protection commissioner; and (4) the executive director of the Commission on Human Rights and Opportunities. All of the ex-officio members may appoint designees to the council; however, the designees of the Labor Committee's chairpersons and ranking members must be members of the General Assembly.

The three appointed council members are as follows: the Labor Committee's House chairperson must appoint a justice-impacted person and a representative from the Institute for Municipal and Regional Policy, and the Labor Committee's Senate chairperson must appoint a representative from the American Civil Liberties Union of Connecticut.

The bill requires the Labor Committee's House and Senate chairpersons to serve as the council's chairpersons and hold its first

meeting by August 29, 2021. After that, the council must meet upon the call of the chairpersons or upon the call of a majority of the council members. The Labor Committee's administrative staff must serve as the council's administrative staff.

§ 32 — STATE AGENCY REPORTS ON BACKGROUND CHECKS

The bill requires several state agencies to report certain information about background checks to the Office of Policy and Management within 90 days (presumably after the provision becomes effective on October 1, 2021). The agencies that must report are the departments of Administrative Services, Agriculture, Consumer Protection, Correction, Emergency Services and Public Protection, Public Health, Labor, and the Office of Early Childhood.

The agencies must report on the following topics:

1. the number of employees that perform background checks related to the agency's licensing functions, their job classifications, and the type or level of clearance of the background checks that are being performed;
2. the number of hours each employee spends on average per week performing background checks; and
3. for any licenses that require an applicant to already have some education or training, the feasibility of establishing a criminal history preclearance assessment before the applicants begin the education or training.

They must also (1) assess the feasibility of centralizing and standardizing the background checks performed by state agencies and (2) address any related issues of delegating authority by the agencies.

§ 1 — STATEMENT ON EMPLOYMENT OF CRIMINAL OFFENDERS

Current law states that the legislature finds that the public is best protected when criminal offenders are rehabilitated and returned to society prepared to take their places as productive citizens and that their

ability to find meaningful employment is directly related to their normal functioning in the community. It further states that it is the state's policy to encourage all employers to favorably consider providing jobs to qualified individuals, including those who may have criminal conviction records.

The bill expands this statement to (1) also cover people who have been arrested or convicted and (2) specify that their normal functioning in the community is also directly related to their ability to find meaningful occupations, housing, and higher education. It adds that the legislature finds that African-Americans and Hispanics are arrested and incarcerated at rates disproportionate to their representation in the general population and that discrimination in occupation, employment, housing, and higher education based on criminal history records has a disparate impact based on race, ancestry, and national origin.

It also revises the statement on state policy to say that it prohibits all employers, landlords, and higher education institutions from discriminating on the basis of criminal history records, except as otherwise allowed under the laws on human rights and opportunities. (It does not appear that this section's provisions have a legal effect.)

BACKGROUND

Related Bills

sHB 6431, favorably reported by the Housing Committee, generally prohibits discrimination in rental housing based on an individual's criminal record and allows aggrieved individuals to report alleged violations to the Commission on Human Rights and Opportunities.

HB 6445, favorably reported by the General Law Committee, also requires several state agencies to report certain information about their practices and procedures for performing background checks.

SB 355, reported favorably by the Housing Committee, requires the Department of Housing to adopt regulations establishing a limited time period immediately preceding a rental application during which landlords and housing authorities may consider a prospective tenant's

criminal records in evaluating his or her application.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 10 Nay 3 (03/23/2021)