



## Acts Affecting People with Disabilities

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## Notice to Readers

This report provides summaries of new laws (public acts and special acts) significantly affecting people with disabilities enacted during the 2021 regular session and June 2021 special session (JSS). OLR's other Acts Affecting reports, including Acts Affecting Seniors and Acts Affecting Health Professions, are, or will soon be, available on OLR's website:

<https://www.cga.ct.gov/olr/actsaffecting.asp>.

Each summary indicates the public act (PA) or special act (SA) number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden.

Complete summaries of public acts are, or will soon be, available on OLR's website:

<https://www.cga.ct.gov/olr/olrsums.asp>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or General Assembly's website: <http://www.cga.ct.gov>.

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## **Business and Employment**

### ***DMHAS Mental Health Toolkit for Employers***

A new law requires the Department of Mental Health and Addiction Services (DMHAS) to develop and post online a mental health toolkit to help employers address their employees' mental health needs that arise due to COVID-19. The toolkit must (1) identify common issues and their symptoms and (2) provide information and other resources on actions that employers may take to help employees address these issues. DMHAS must post the toolkit on its website by October 1, 2021 ([PA 21-35](#), § 19, effective upon passage).

### ***Priority Applicants for Economic Development Financial Assistance***

A new law requires the Department of Economic and Community Development (DECD) commissioner to prioritize applicants for economic development financial assistance (i.e., DECD-approved grants, loans, loan guarantees, or a combination) who demonstrate a willingness to make jobs available to certain individuals, including those with disabilities ([PA 21-188](#), § 2, effective October 1, 2021).

### ***Workforce Development Pipeline Program***

A new law requires DECD to incorporate a plan to establish a workforce development pipeline program for people with disabilities into the state workforce strategy. The plan must incentivize businesses to take certain workforce development actions for people with disabilities, including (1) providing training programs; (2) offering modified interviews; and (3) reserving market-rate, full-time jobs. Under the act, the plan must be developed by November 1, 2021, and provide for implementation by July 1, 2022 ([SA 21-10](#), effective upon passage).

## **Committees, Councils, and Commissions**

### ***Autism Spectrum Disorder Council***

A new law adds a third chairperson to the Autism Spectrum Disorder Council, to be elected by council members, and requires both elected chairs to be chosen from the six appointed council members who are either individuals with autism or parents or guardians of individuals with autism (Under existing law, the other chairperson is the Department of Social Services (DSS) commissioner or her designee.) ([PA 21-66](#), effective July 1, 2021).

### ***Commission on Racial Equity in Public Health***

A new law establishes, within the Legislative Department, a Commission on Racial Equity in Public Health. Among other responsibilities, the commission must (1) study the impact that the public

health crisis of racism has on vulnerable populations within diverse groups of the state, including based on disability, and (2) suggest ways to reduce this impact on these populations ([PA 21-35](#), § 2, effective upon passage).

### ***Level of Need Assessment System Advisory Committee***

A new law establishes a 19-member committee to advise the Department of Developmental Services (DDS) commissioner on the level of need assessment system. The committee must (1) meet at least quarterly and (2) beginning January 1, 2022, annually report on its activities to the Public Health Committee ([PA 21-2](#), June Special Session (JSS), § 68, effective upon passage).

## **Crime and Public Safety**

### ***Homemaker-Companion Agency Hiring Ban***

Instead of having to review only public Connecticut criminal records, a new law requires homemaker-companion agencies to conduct a national background check of prospective employees. The new law also prohibits agencies from hiring individuals with certain recent criminal histories, including convictions related to fraud or theft, controlled substances, and patient neglect or abuse ([PA 21-37](#), §§ 19-21, effective January 1, 2022).

### ***Risk Warrants and Risk Protection Orders***

Existing law allows any two police officers or a state's attorney or assistant state's attorney, under limited circumstances, to apply to court for a warrant ("risk warrant") to seize firearms and ammunition from someone who poses an imminent risk of injuring himself or herself or someone else. This year, the legislature expanded this law's scope to (1) apply to other deadly weapons; (2) allow these officials to apply for a risk protection order prohibiting such a person from acquiring or possessing firearms, other deadly weapons, or ammunition; and (3) allow adult family or household members or medical professionals to apply to court for a risk protection order investigation.

Under the new law, if a judge issues a risk protection order and there is probable cause to believe that the person possesses firearms or other deadly weapons, the judge must issue a risk warrant along with or following that order, under specified procedures. The new law makes other changes to risk warrant procedures, such as removing the one-year maximum period on the state's hold of items seized under a risk warrant ([PA 21-67](#), effective June 1, 2022).

### ***Stalking Due to a Person's Disability***

A new law expands 1st degree stalking to include situations in which the actor intentionally directs the conduct at the other person based on the person's actual or perceived disability, among other

things. By law, a person is guilty of 1st degree stalking when he or she commits 2nd degree stalking with an additional factor (e.g., stalking due to a person's disability) ([PA 21-56](#), § 1, effective October 1, 2021).

## **Education and Learning**

### ***Office of Dyslexia and Reading Disabilities***

The legislature passed a new law establishing an Office of Dyslexia and Reading Disabilities in the State Department of Education. This office must verify whether teacher preparation programs and teacher certification applicants comply with state law's dyslexia instruction and training requirements. The act also requires the office to provide guidance to higher education institutions and other teacher preparation program providers about how to verify whether practicum hour supervisors have obtained certain qualifications ([PA 21-168](#), §§ 1-4 & 6, effective July 1, 2021).

### ***Planning and Placement Team for Technical High School Enrollment***

A new law creates a new planning and placement team (PPT) process that must occur before a student receiving special education services enrolls in the Technical Education and Career System (TECS) for high school. The act requires the student's sending district to convene a PPT meeting before a student enrolls to ensure that the student's individualized education program reflects the current supports and services that he or she requires to access a free, appropriate public education in the least restrictive environment. The act also requires a TECS representative to be invited to the meeting ([PA 21-144](#), § 9, effective July 1, 2021).

### ***School-Based Health Center Working Group***

A new law establishes a working group to develop recommendations for the strategic expansion of school-based health center (SBHC) services in the state. Among other things, the group must consider (1) specific regions where additional SBHCs may be needed, (2) options to expand their services and insurance reimbursement, and (3) options to expand access to SBHCs or expand their sites, which may include establishing school-based mental health clinics. By February 1, 2022, the group must report its findings and recommendations to the Public Health and Appropriations committees ([PA 21-35](#), § 16, effective upon passage).

## **Family Law and Guardianship**

### ***Estates of Adults with Guardians***

A new law expands certain procedures for guardians or conservators when closing out small estates to also apply to guardians of adults with intellectual disability. Generally, under these

procedures, the guardian or conservator may pay for the protected person's unpaid lifetime expenses, funeral and burial expenses, and administration expenses for closing the account if all these expenses equal or exceed the protected person's estate. The guardian or conservator may then take credit for these payments in the final accounting ([PA 21-100](#), § 12, July 1, 2021).

### ***Modification of Child Support Due to Obligor's Disability***

A new law allows a family support magistrate to reduce a child support order to zero dollars or make other changes if the obligor (i.e., person from whom support is due) qualifies for federal Supplemental Security Income (SSI) Program disability benefits.

Under the new law, if a support enforcement officer files an affidavit that the Social Security Administration or a state agency that awards disability benefits has determined that the obligor qualifies for SSI disability benefits, a family support magistrate may (1) modify the existing support order to zero dollars without a hearing, (2) schedule the motion for a hearing, or (3) deny the motion without a hearing.

It also (1) specifies what the support enforcement officer's affidavit must state, such as the date the child support obligor qualifies for SSI disability benefits, and (2) allows any support order modified based on this provision to be later modified upon a finding of a substantial change in circumstances ([PA 21-104](#), § 37, effective upon passage).

## **Healthcare Access and Eligibility**

### ***Connecticut Home Care Program for Persons with Disabilities***

A new law limits participation in the Connecticut Home Care Program for Persons with Disabilities to those who are ineligible for Medicaid or Medicaid waivers. Under existing law, this state-funded pilot program serves up to 100 people with disabilities who (1) are age 18 to 64, (2) are inappropriately institutionalized or at risk of becoming so, and (3) meet certain asset limits ([PA 21-148](#), § 8, effective upon passage).

### ***Medical Marijuana***

A new law makes various changes to the state's medical marijuana program. For example, it:

1. allows medical marijuana patients age 18 or older to grow up to three mature and three immature cannabis plants in their homes if they keep them secure from access by anyone else except their caregiver;
2. allows patients and caregivers to possess up to five ounces of marijuana;



3. eliminates the requirement for patients to select a dispensary from which they will obtain marijuana; and
4. allows the consumer protection commissioner, without adopting regulations, to add to the list of medical conditions that qualify for medical marijuana use ([PA 21-1](#), JSS, §§ 66-82, various effective dates).

### ***Medicare Supplement Plans***

A new law allows insurers to issue Medicare Supplement (i.e., Medigap) policies and certificates for plan D in addition to plans A, B, and C. (These are standardized plans for which the federal government sets the benefits. Medigap plans generally cover certain expenses that Medicare does not cover.) By law, insurers that issue Medigap plans A, B, or C to people eligible for Medicare based on age must also offer them to people eligible for Medicare based on disability. The new law extends this requirement to entities that issue plan D ([PA 21-2](#), JSS, § 310, effective July 1, 2021).

### ***Physician Assistants***

A new law allows physician assistants (PAs) to certify, sign, or otherwise document medical information in several situations that previously required a physician's or advanced practice registered nurse's (APRN's) signature, certification, or documentation. This includes certifying a person's disability in several contexts ([PA 21-196](#), effective October 1, 2021).

## **Long-Term Care Facilities and Hospitals**

### ***Implicit Bias Training at Hospitals***

Beginning October 1, 2021, a new law requires hospitals to include implicit bias training as part of their regular training to staff members who provide direct care to women who are pregnant or in the postpartum period. Under the act, "implicit bias" means an attitude or internalized stereotype that affects perceptions, actions, and decisions in an unconscious manner and often contributes to unequal treatment based on someone's race, ethnicity, gender identity, sexual orientation, age, disability, or other characteristics ([PA 21-35](#), § 13, effective upon passage).

### ***Visitation in Long-Term Care Facilities***

Under a new law, residents of certain long-term care facilities can designate an essential support person to visit even when there are visitation restrictions imposed on other visitors. The new law requires the Department of Public Health commissioner to establish a statewide policy for visitation with long-term care residents that incorporates a resident's need for essential support during public health emergencies. It also expands the State Long-Term Care Ombudsman's duties to include

providing services to address the impact of socialization, visitation, and the role of essential support persons on residents' health, safety, and well-being ([PA 21-71](#), effective upon passage).

### ***Whiting Forensic Hospital Advisory Board***

A new law increases, from nine to 11, the membership of the Whiting Forensic Hospital advisory board. It does this by adding two members with psychiatric disabilities, at least one of whom must have received inpatient psychiatric hospital services. The advisory board develops policies and sets standards related to the hospital's patients ([PA 21-75](#), § 2, effective October 1, 2021).

### ***Whiting Forensic Hospital Patient Searches***

Prior law prohibited Whiting Forensic Hospital patients in the hospital's maximum-security service from being present during a search of their personal belongings. A new law limits this prohibition to only when police officers conduct the search and have probable cause that contraband or hazardous items are hidden in the patient's living area ([PA 21-75](#), § 1, effective October 1, 2021).

## **Mental Health and Substance Use**

### ***DMHAS Electronic Health Records***

A new law allows the Department of Mental Health and Addiction Services (DMHAS) to establish and use a single electronic health record (EHR) system for authorized personnel to access patient health records from any of DMHAS's divisions and facilities for purposes of diagnosing and treating patients and improving operations. Under the act, all DMHAS divisions and facilities must provide their patient records to the EHR system. Any disclosure of the system's patient information made outside of DMHAS must be done in accordance with state and federal law ([PA 21-75](#), § 3, effective upon passage).

### ***Mental Health Bill of Rights for Individuals Who Are Deaf, Deafblind, or Hard of Hearing***

This year, the legislature established a bill of rights for individuals in need of mental health services who are deaf, deafblind, or hard of hearing. The new law specifies that the rights afforded these individuals must be available to them only to the extent that they are implemented in accordance with the general statutes, federal law, and the state and U.S. constitutions ([PA 21-72](#), effective July 1, 2021).

## ***Mobile Crisis Services***

For FYs 22 and 23, a new law requires DMHAS, within available appropriations, to increase access to mobile crisis services statewide by expanding their hours to include nights and weekends. The act also requires DMHAS to develop a plan to make these services available 24 hours a day, seven days a week. By January 1, 2022, the DMHAS commissioner must report on the plan to the Public Health and Appropriations committees ([PA 21-35](#), § 17, effective upon passage).

## ***Opioid Use Disorder Pilot Program***

By January 1, 2022, and within available appropriations, a new law requires DMHAS to establish a pilot program in up to five urban, suburban, and rural communities to serve individuals with opioid use disorder. Under the act, the DMHAS commissioner must report by January 1, 2023, to the Public Health Committee on the pilot program, including its success and any recommendations for its continuation or expansion ([PA 21-113](#), effective July 1, 2021).

## ***Peer Support Services Task Force***

A new law establishes a task force to study peer support services and encourage health care providers to use these services when providing patient care. The task force study must at least examine available methods for delivering, certifying, and paying for these services. Under the act, “peer support services” are nonmedical mental health care and substance use services provided by peer support specialists. The task force must report its findings and recommendations to the Public Health Committee by January 1, 2022 ([PA 21-35](#), § 18, effective upon passage).

## **Parking and Transportation**

### ***Accessible Parking Placards***

Prior law allowed a parent or guardian of a child younger than age 18 with a disability to apply for an accessible parking windshield placard on the child’s behalf and specified that DMV must issue a placard to each parent or guardian who applies, up to two placards per eligible child. A new law eliminates the limitation that the child must be under age 18 ([PA 21-106](#), § 36, effective October 1, 2021).

### ***Nonprofit Vehicles on Parkways Pilot Program***

Existing law, with specific exceptions, generally prohibits commercial vehicles from using the Merritt and Wilbur Cross parkways. Notwithstanding this prohibition, a new law requires the DOT commissioner to establish a pilot program to generally allow certain vehicles to use these parkways if they are (1) owned by, or under contract with, a nonprofit organization and (2) transporting people

with a disability or who are elderly. The pilot program must begin by January 1, 2022, and end on January 1, 2024. It limits the Office of State Traffic Administration to issuing no more than two permits per nonprofit location ([PA 21-175](#), § 54, effective October 1, 2021).

### ***Paratransit Drivers***

A new law adds paratransit drivers to the list of mandated reporters who must report to the Department of Social Services when they have reasonable cause to suspect that an elderly person needs protective services or has been abused, neglected, exploited, or abandoned. A paratransit vehicle is a motor bus, taxicab, or other motor vehicle in livery service that is (1) operated under a Department of Transportation certificate and (2) on call or on demand or used to transport passengers for hire ([PA 21-122](#), effective July 1, 2021).

## **State Agencies**

### ***Department of Aging and Disability Services***

A new law makes various changes and updates to the statutes governing the Department of Aging and Disability Services. Among other changes, it: (1) replaces the current Assistive Technology Revolving Fund, which makes direct loans, with a program to make and guarantee loans for the same purposes and (2) updates the format of a required informational resource about the voter application process ([PA 21-151](#), §§ 3 & 4, effective July 1, 2021).

### ***DDS-Related Statutes***

A new law makes various changes to DDS-related statutes, including:

1. making information in DDS's abuse and neglect registry available to the Department of Administrative Services (DAS) to determine whether an applicant for employment with DDS or certain other state agencies appears on the registry;
2. allowing DDS regional or training school directors to consent to emergency medical treatment for an individual under their custody or control, under the same conditions and procedures that already apply to emergency surgery;
3. expanding the circumstances under which perpetrators of abuse or neglect, or individuals who live with them, are denied access to certain information about DDS's investigation;
4. updating appointments to the Camp Harkness Advisory Committee to reflect name changes for certain entities and making related changes; and
5. requiring DDS to submit an individual's eligibility denial letter, rather than a reassessment, to the probate court during guardianship reviews for adults determined ineligible for DDS services ([PA 21-135](#), effective upon passage).

## ***DDS Waiting List Report***

A new law requires the DDS commissioner to annually report to the Public Health and Appropriations committees on the number of individuals the department determines as eligible for DDS funding or services and who (1) have unmet residential care or employment opportunity and day service needs or (2) are eligible for DDS's behavioral services program and are waiting for funding. As under existing law, the commissioner must also annually report this information on the department's website ([PA 21-2](#), (JSS), § 67, effective upon passage).

## **Voting**

### ***Permanent Absentee Ballot Status***

A new law makes electors suffering from a long-term illness eligible for permanent absentee ballot status, in addition to those with a permanent physical disability as under existing law. By law, electors with permanent absentee ballot status receive an absentee ballot for each election, primary, and referendum in which they are eligible to vote.

Additionally, existing law requires registrars of voters to send an annual address confirmation notice to determine if those with the status continue to reside at the address on their permanent absentee ballot application. Previously, registrars had to remove electors from permanent status if (1) the notice was returned as undeliverable or (2) the elector failed to return it to the registrars within 30 days after it was sent. The act instead gives electors up to 60 days to return the notice ([PA 21-2](#), JSS, § 103, effective upon passage).

### ***Supervised Absentee Voting***

A new law authorizes the secretary of the state to suspend supervised absentee voting that happens upon request, or mandatory supervised absentee voting, so long as she does so in recognition of a public health or civil preparedness emergency declared by the governor.

Under supervised absentee voting, registrars of voters or their designees supervise absentee voting at certain "institutions" (e.g., nursing homes and other residential care and mental health facilities). During these voting sessions, registrars or their designees deliver absentee ballots to the institution and jointly supervise voters while they fill out the ballots ([PA 21-2](#), JSS, § 108, effective upon passage).

### ***Voters with Disabilities***

In the budget implementer act, the General Assembly took other steps to make it easier for voters with disabilities to vote. The act eliminates the prohibition on mentally incompetent people being

admitted as electors. In addition, the act requires the secretary of the state to electronically provide an absentee ballot to an elector who is unable to appear at his or her polling place because of a visual impairment. The absentee ballot must be in a format capable of being read by a computer-related device and printed. The act also requires that the ballot, if signed by the elector, be counted if it otherwise satisfies all the requirements for returned absentee ballots (e.g., returned no later than the close of the polls) ([PA 21-2](#), JSS, §§ 95 & 109, effective upon passage).

## **Miscellaneous**

### ***Group Fishing License***

A new law increases the number of participants allowed under a group fishing license from 50 to 100 people. By law, the Department of Energy and Environmental Protection may issue a group fishing license to a 501(c)(3) tax-exempt organization to conduct up to 50 group fishing events per year for qualified individuals (e.g., disabled veterans and certain people receiving services from the departments of Children and Families, Developmental Services, Mental Health and Addiction Services, and Social Services) ([PA 21-12](#), § 3, effective upon passage).

### ***Xeroderma Pigmentosum Awareness***

Under a new law, the governor must annually proclaim May 13 to be Xeroderma Pigmentosum Awareness Day, to raise awareness of this genetic disorder characterized by an extreme sensitivity to ultraviolet rays. Under the act, suitable observance exercises may be held in the state capitol and elsewhere as the governor designates ([PA 21-2](#), JSS, § 185, effective upon passage).

MF:kc