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## **OLR Bill Analysis**

### **HB 5248**

#### ***AN ACT CONCERNING COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS ON OCCUPATIONAL LICENSING.***

#### **SUMMARY**

This bill limits the circumstances under which various occupational licensing agencies, boards, and commissions may take certain actions against a practitioner (e.g., denying, revoking, or suspending a license) because the practitioner was found guilty or convicted of a felony. For certain occupations, it prohibits the relevant licensing entities from taking these actions summarily (immediately). And for regular (non-immediate) disciplinary actions, the bill 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 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 (§ 1).

EFFECTIVE DATE: October 1, 2022

#### **§ 2 — IMMEDIATE DISCIPLINARY ACTIONS**

Current law allows various occupational licensing boards or commissions and DPH to take certain actions against a practitioner summarily 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, 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.

### **§§ 3-22 — REGULAR DISCIPLINARY ACTIONS**

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. Depending on the occupation, these 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 the 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**

<b><i>Bill Section</i></b>	<b><i>Statute (CGS §)</i></b>	<b><i>Occupation</i></b>
3	20-195p	Clinical social worker and master social worker
4	20-195ee	Professional counselor
5	20-195qqq	Art therapist
6	20-206s	Dietician-nutritionist
7	20-265b	Esthetician
8	20-265c	Eyelash technician
9	20-265d	Nail technician
10	20-281a	Public accountant

11	20-294	Architect
12	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)
13	20-341gg	Major contractor
14	20-363	Sanitarian
15	20-442a	Asbestos contractor and consultant
16	20-481	Lead abatement consultant, contractor, and worker
17	20-540	Public service gas technician
18	22a-66e	Pesticide application business (also similarly limits the ability to deny a registration)
19	23-61i	Arborist business (also similarly limits the ability to deny a registration)
20	29-158	Private detective, detective business, or investigator
21	29-161v	Security service, security officer, and security officer instructor
22	30-47	Liquor permittee (also similarly limits the ability to grant or renew a permit)

***Security Service, Security Officer, and Security Officer Instructors (§ 21)***

Current law also allows the license for a security service, security officer, or security officer instructor to be suspended or revoked if the licensee is convicted of a crime affecting the licensee's honesty, integrity, or moral fitness. The bill removes crimes affecting the licensee's moral fitness from the types of crimes for which the license may be suspended or revoked.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 13 Nay 0 (03/24/2022)