

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 22-82—sSB 5**  
*Judiciary Committee*  
*Appropriations Committee*

**AN ACT CONCERNING ONLINE DATING OPERATORS, THE  
CREATION OF A GRANT PROGRAM TO REDUCE OCCURRENCES OF  
ONLINE ABUSE AND THE PROVISION OF DOMESTIC VIOLENCE  
TRAINING AND PROTECTIONS FOR VICTIMS OF DOMESTIC  
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### § 23 — DSS FUNDING

*Requires DSS, for FY 23, to make \$1.44 million available to domestic violence child and family advocates at domestic violence agencies for trauma-informed services*

### §§ 1-5 — ONLINE DATING SERVICES

*Requires online dating operators to give Connecticut users safety awareness notifications (e.g., whether the operator conducts criminal background screenings) before allowing them to use their online dating platforms; authorizes the DCP commissioner to penalize violators up to \$25,000 per violation*

#### *Affected Online Dating Operators and Users (§ 1)*

The act imposes notification requirements on “online dating operators,” defined as anyone who operates a software application (e.g., presumably, an online dating platform) designed to facilitate online dating. An “online dating platform” is a digital service designed to allow users to interact through the Internet to initiate relationships with other individuals for romance, sex, or marriage (i.e., “online dating”).

Under the act, a “Connecticut user” is a user (i.e., someone who uses an online dating operator’s service) who (1) provides a Connecticut home address or zip code when registering with an online dating operator or (2) is known or determined by an online dating operator, or its online dating platform, to be in Connecticut at the time of registration.

#### *Criminal Background Screening Notification (§§ 1 & 2)*

The act establishes criminal background screening notifications that online dating operators must provide their Connecticut users. The notifications differ depending on whether the operator conducts these screenings.

Under the act, a “criminal background screening” is a name search for an individual’s criminal convictions history (for state or federal crimes) that is conducted by searching (1) an available and regularly updated government public record database that provides national coverage for searching an individual’s criminal history or (2) a regularly updated database maintained by a private vendor that provides national coverage for searching an individual’s criminal history and sexual offender registries.

*Screening Not Conducted.* If an online dating operator does not conduct a criminal background screening on each user, then the operator must provide a Connecticut user with a clear and conspicuous notification that it does not conduct these screenings before allowing the user to communicate through its online dating platform with another user.

*Screening Conducted.* If an online dating operator offers services to

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Connecticut residents and conducts a criminal background screening on each user, then it must provide a Connecticut user a clear and conspicuous notification that it conducts these screenings. The notification must be provided before the user can communicate through the platform with another user, and it must include a statement of whether the platform excludes an individual who is identified as having a criminal conviction. It must also include a statement that the screening may (1) be inaccurate or incomplete, (2) give users a false sense of security, and (3) be circumvented by someone with a criminal history. The act also requires that this notification be included on the operator's online dating platform.

### *Safety Awareness Notification (§ 3)*

The act requires online dating operators that offer services to Connecticut residents to provide a safety awareness notification clearly and conspicuously on their online dating platforms to all Connecticut users.

The notification must include a list of safety measures reasonably designed to increase awareness of safer online dating practices. It must also include the following statements in substantially similar form:

1. "Use caution when communicating with a stranger who wants to meet you."
2. "You should not include your last name, electronic mail address, home address, phone number or any other identifying information in your online dating profile or electronic mail messages or communications until you feel comfortable with the other user. Stop communicating with anyone who pressures you for personal or financial information or attempts in any way to coerce you into revealing such information."
3. "If you choose to have a face-to-face meeting with another user who you met on the online dating platform, tell a family member or friend where you will be meeting and when you will return. You should not agree to be picked up at your home. Always provide your own transportation to and from your date and meet in a public place with many people around."
4. "Anyone who is able to commit identity theft can also falsify a dating profile."

### *Notification Timing and Communication Mode (§ 4)*

The act requires online dating operators to communicate the required notifications when a Connecticut user registers with it. They may do so by email, text message, push notification, inbox message, or in-product message.

The act specifies that the communication must not address matters other than the criminal background screening notification and safety awareness notification. Additionally, if the means of communication is character limited, the act allows the online dating operator to provide the full information by linking to a separate website. However, the website may only address the required notifications.

### *Investigations and Penalties for Violations (§ 5)*

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The act authorizes the Department of Consumer Protection (DCP) to penalize violators of the act's online dating service notification requirements by (1) issuing fines up to \$25,000 per violation, (2) accepting an offer in compromise, or (3) taking other actions allowed under law or regulations.

The act also allows the commissioner or her designee to (1) conduct investigations and hold hearings on any issue related to these provisions and (2) issue subpoenas, administer oaths, compel testimony, and order the production of books, records, and documents.

Under the act, if anyone refuses to appear, testify, or produce any book, record, or document when ordered to, then the commissioner or her designee may apply to Superior Court for an appropriate enforcement order.

Additionally, the act authorizes the attorney general, at the commissioner's or her designee's request, to apply to Superior Court in the name of the state for an order to restrain and enjoin anyone from violating these provisions.

EFFECTIVE DATE: October 1, 2022

### § 6 — ONLINE ABUSE PREVENTION GRANT PROGRAM

*Creates a grant program, administered by DESPP, to prevent online abuse and provide educational and training opportunities to inform people about identifying, reporting, responding to, and avoiding online abuse*

#### *Administration and Purpose*

The act establishes a grant program administered by the Department of Emergency Services and Public Protection (DESPP), in consultation with the State-Wide Hate Crimes Advisory Council, to provide educational and training opportunities to prevent online abuse and inform people about identifying, reporting, responding to, and avoiding online abuse. Under the act, "online abuse" means the following acts, when conducted using an interactive computer service:

1. speech or conduct motivated by hatred, prejudice, or bigotry towards a person or group based on the person's actual or perceived religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, or disability;
2. harassment, stalking, swatting, or doxing (i.e., publicly revealing previously private personal information about someone, usually via the Internet); or
3. assault.

#### *Requests for Proposals From Eligible Entities*

Each fiscal year, within three months after receiving funds from the state, DESPP must issue a request for proposals (RFP) from eligible entities. Under the act, an "eligible entity" must be located in Connecticut and may be any of the following or any entity operating under them:

1. local or regional school districts,
2. historical societies,
3. tax-exempt entities registered with the Office of the Secretary of the State,

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4. government agencies,
5. constituent units of the state higher education system, or
6. public libraries.

Each RFP response must specify:

1. the types of online abuse that the eligible entity proposes to address, which must conform to the program's purpose;
2. the methods used to achieve the program's goals;
3. the entity's other specific goals;
4. the target audience of the training and information that the entity would provide;
5. whether the entity is replicating a program found to have a high likelihood of success as determined by a cost-benefit analysis in a peer reviewed academic journal; and
6. the amount of any matching funds the entity will contribute.

### *Grant Awards*

The act authorizes DESPP to award grants for any programming or service that prevents online abuse or furthers the other program goals, including training teachers or school professionals, archiving, public murals, curriculum development, and marketing.

It allows eligible entities to use awarded funds collectively, including regionally, through coordinated efforts and conferences that achieve the program's goals.

The act caps the total grant amount that DESPP may award an eligible entity at \$30,000 during any fiscal year.

EFFECTIVE DATE: July 1, 2022

### § 7 — APPLICATION OF ANTI-DISCRIMINATION LAWS TO CERTAIN SMALL EMPLOYERS AND ELECTED AND APPOINTED OFFICIALS FOR A GOVERNMENTAL BODY

*Subjects employers with one or two employees to the anti-discrimination laws, including those that prohibit discriminatory employment practices or workplace sexual harassment; protects elected and appointed officials for a governmental body under these laws*

The act subjects employers with one or two employees to the anti-discrimination laws under the Commission on Human Rights and Opportunities (CHRO) statutes, including those that prohibit (1) discriminatory employment practices (such as those described under § 10 below) and (2) workplace sexual harassment. These laws also impose certain duties on the employer, such as the duty to provide reasonable accommodation to a pregnant employee, unless doing so would be an undue hardship. Under prior law, these laws applied only to employers with at least three employees, as well as the state and its political subdivisions.

Under the act, employers with one or two employees are no longer exempt from liability for employment discrimination based on any of the protected classes. The

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act gives these employees the right to file a complaint with CHRO claiming to be aggrieved by an employer's alleged discriminatory practice, as employees of employers with three or more employees may do under existing law.

Existing law requires employers with at least three employees to post certain notices and provide training and education on the illegality of workplace sexual harassment. The act generally subjects employers with one or two employees to these requirements, but existing law already requires them to provide training and education to their supervisory employees. By law, an employer who fails to post the required notices, or provide the required training and education, must be fined up to \$750.

As under existing law for other size employers, under the act, if an employee of an employer with one or two employees refuses or threatens to refuse to comply with the employment discrimination prohibitions, the employer may file a written complaint under oath asking CHRO for assistance by conciliation or other remedial action.

Additionally, the act adds elected and appointed officials for a governmental body to the definition of "employee" under these laws and in doing so provides protections for them under the antidiscrimination laws, including those that prohibit discriminatory employment practices or workplace sexual harassment.

EFFECTIVE DATE: October 1, 2022

### §§ 7 & 10-21 — DOMESTIC VIOLENCE VICTIMS AS A PROTECTED CLASS UNDER ANTI-DISCRIMINATION LAWS

*Prohibits discrimination based on someone's domestic violence victim status in employment, public accommodations, housing, the granting of credit, and other laws over which CHRO has jurisdiction; authorizes a victim aggrieved by an alleged discriminatory practice to file discrimination complaints with CHRO*

The act prohibits various forms of discrimination based on someone's status as a domestic violence victim, such as in employment, public accommodations, housing sales or rentals, granting credit, and several other areas. In several cases, it classifies discrimination on this basis as a "discriminatory practice" under the CHRO laws. By doing so, the act allows CHRO or individuals aggrieved by these violations to file a complaint with CHRO alleging discrimination.

#### *Domestic Violence Defined (§ 7)*

The act applies a general definition for the term "domestic violence" under the CHRO laws.

Under the act, "domestic violence" generally means the following:

1. a continuous threat of present physical pain or injury against a family or household member;
2. stalking of a family or household member;
3. a pattern of threatening a family or household member or a third party that intimidates the family or household member; or
4. coercive control of a family or household member (i.e., a behavior pattern

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that unreasonably interferes with a person's free will and personal liberty) (CGS § 46b-1(b)).

### *General Anti-Discriminatory Provision and Deprivation of Rights (§ 11)*

Under existing law, it is a discriminatory practice to deprive someone of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental or physical disability, or veteran status. The act adds status as a domestic violence victim to this list, thus authorizing CHRO to investigate claims of discrimination based on domestic violence victim status.

Under existing law, it is a crime to place a noose or simulation of one on public property, or on private property without the owner's written consent, with the intent to harass someone because of any protected class listed above. The act adds "domestic violence victim" to the list of protected classes.

By law, a violation of these provisions is generally a class A misdemeanor; but, if the violation results in more than \$1,000 in property damage, then it is a class D felony (see [Table on Penalties](#)). In either case, there is a minimum \$1,000 fine unless the court states on the record its reasons for reducing it.

### *Employment Discrimination (§ 10)*

Unless there is a bona fide occupational qualification or need, the act prohibits an employer or its agent from (1) refusing to hire or employ someone; (2) barring or discharging someone from employment; or (3) discriminating against someone in pay or in employment terms, conditions, or privileges because the person is a domestic violence victim. This prohibition applies to all employers, public or private, and all employees except those employed by their parents, spouse, or children.

The act also prohibits the following kinds of employment discrimination based on domestic violence victim status:

1. employers refusing to provide a reasonable leave of absence to an employee whom the employer knows is a victim of domestic violence unless the absence would cause an undue hardship (see below);
2. employment agencies failing or refusing to classify properly or refer for employment or otherwise discriminating against someone except in the case of a bona fide occupational qualification or need;
3. labor organizations excluding someone from full membership rights, expelling a member, or discriminating in any way against a member, employer, or employee unless the action is due to a bona fide occupational qualification;
4. employers, employment agencies, labor organizations, or anyone else taking adverse action against someone because he or she opposed a discriminatory employment practice, brought a complaint, or testified or assisted someone else in a complaint proceeding;

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5. any person aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so; and
6. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment and therefore discriminates except when involving a bona fide occupational qualification or need.

*Reasonable Leave of Absence.* Under the act, it is a discriminatory practice for an employer or the employer's agent to deny an employee a reasonable leave of absence to do the following:

1. seek attention for injuries caused by domestic violence, including for a child who is a domestic violence victim, so long as the employee did not commit domestic violence against the child;
2. obtain services, including safety planning, from a domestic violence agency or rape crisis center;
3. obtain psychological counseling, including for a child, so long as the employee did not commit domestic violence against the child;
4. take other actions to increase safety from future incidents, including temporary or permanent relocation; or
5. obtain legal services, assist in the offense's prosecution, or otherwise participate in related legal proceedings.

The act requires an employee who misses work under these circumstances to provide a certification to the employer, upon request, within a reasonable time after the absence. The certification must be one of the following:

1. a police report indicating that the employee or the employee's child was a domestic violence victim;
2. a court order protecting or separating the employee or employee's child from the perpetrator;
3. other evidence from the court or prosecutor that the employee appeared in court; or
4. documentation from a medical professional or a domestic violence counselor, or other health care provider, that the employee or employee's child was receiving services, counseling, or treatment for physical or mental injuries or abuse caused by domestic violence.

Under the act, if an employee has a physical or mental disability resulting from a domestic violence incident, then the employee must be treated the same as employees with other disabilities.

The act also requires employers, to the extent allowed by law, to maintain the confidentiality of any information about an employee's status as a domestic violence victim.

### *Public Accommodations (§ 13)*

The act prohibits anyone from denying someone, based on his or her status as a domestic violence victim, full and equal accommodations in any public establishment (i.e., one that caters to or offers its services, facilities, or goods to the general public), including any commercial property or building lot on which a



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commercial building will be built or offered for sale or rent, subject to lawful conditions and limitations that apply alike to everyone. It further prohibits discriminating, segregating, or separating people based on their domestic violence victim status. A violation is a class D misdemeanor.

### *Housing (§ 14)*

The act prohibits anyone from refusing to sell or rent after a person makes a bona fide offer; refusing to negotiate for the sale or rental of a dwelling; or otherwise denying or making a dwelling unavailable to someone based on their status as a domestic violence victim. A violation is a class D misdemeanor.

This prohibition does not apply to the rental of owner-occupied single- or two-family homes.

### *Credit (§ 15)*

The act prohibits a creditor from discriminating against an adult in a credit transaction based on the person's status as a domestic violence victim.

### *Other Areas Subject to CHRO's Jurisdiction (§§ 12 & 16-21)*

The act authorizes CHRO to investigate discrimination claims based on a person's domestic violence victim status under other laws over which CHRO has jurisdiction. Specifically, the act does the following:

1. subjects any professional or trade association, board, or other similar organization whose profession, trade, or occupation requires a state license, to a \$100 - \$500 fine for denying someone membership because of his or her domestic violence victim status (§ 12);
2. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel based on merit and qualifications, without regard for their status as a domestic violence victim, unless the person's status as a domestic violence victim prevents performance of the work involved (§ 16);
3. requires state agency services to be performed without discrimination based on a person's domestic violence victim status (§ 17);
4. requires any state agency that provides employment referrals or placement services to public or private employers to reject any job request that indicates an intention to exclude anyone based on his or her domestic violence victim status (§ 18);
5. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds that he or she is a domestic violence victim (§ 19);
6. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which they participate, to be open to all qualified people, without regard for domestic violence victim status (§ 20); and

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7. prohibits a person's domestic violence victim status from being a limiting factor in state-administered programs involving the distribution of funds to qualified applicants for benefits authorized by law; and prohibits the state from giving financial assistance to public agencies, private institutions, or other organizations that discriminate on this basis (§ 21).

EFFECTIVE DATE: October 1, 2022

### §§ 8 & 9 — DOMESTIC VIOLENCE TRAINING AND INFORMATION FOR EMPLOYEES

*Requires state agencies, within available appropriations, to provide a one-hour minimum training and education on domestic violence and victim resources; requires employers with three or more employees to post similar information in an accessible location*

#### *State Agencies (§§ 8 & 9)*

The act authorizes CHRO to require that all state agencies provide at least one hour of training and education on domestic violence and the resources available to victims. For employees hired before January 1, 2023, the training must be given by July 1, 2023. Employees hired on or after January 1, 2023, must be given the training within six months after their date of hire.

Under the act, this training and education must be provided within available appropriations using CHRO's training and education materials (see below). It must include information on (1) domestic violence, abuser, and victim behaviors; (2) how domestic violence may impact the workplace; and (3) the resources available to victims.

The act requires CHRO, in conjunction with domestic violence victim advocacy organizations, to develop the following:

1. a link with information on domestic violence and available resources for victims and include it on the commission's website and
2. an online training and education video or other interactive method of training and education that meets the requirements above and make them available to each state agency at no cost.

#### *Employers With Three or More Employees (§ 8)*

The act allows CHRO to require employers with three or more employees to post, in a prominent and accessible location, information on domestic violence and the resources available to victims in Connecticut.

EFFECTIVE DATE: Upon passage for the provisions related to the CHRO commissioner's powers and October 1, 2022, for provisions related to the commissioner's duties.

### §§ 8 & 22 — CHRO LEGAL COUNSEL

*Eliminates requirements that a CHRO legal counsel serve as a supervising attorney and that the CHRO executive director assign commission legal counsel through the supervising attorney*

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Prior law required one CHRO legal counsel to serve as a supervising attorney. It also required CHRO's executive director, when assigning legal counsel in certain actions, to do so through the supervising attorney. This applied to legal counsel assignments for the following:

1. proceedings where a state agency or officer was an adversary party and other matters that the commission and the attorney general jointly prescribed;
2. hearings or appeals on complaints under the state's whistleblower law; and
3. civil actions about an alleged discriminatory practice.

In these cases, the act eliminates the requirement that the executive director assign CHRO legal counsel through the supervising attorney. It also eliminates the requirement that one CHRO legal counsel serve as a supervising attorney.

EFFECTIVE DATE: Upon passage

### § 23 — DSS FUNDING

*Requires DSS, for FY 23, to make \$1.44 million available to domestic violence child and family advocates at domestic violence agencies for trauma-informed services*

For FY 23, the act requires the Department of Social Services (DSS) to make \$1.44 million available to domestic violence child and family advocates at domestic violence agencies for providing trauma-informed services to children and families experiencing domestic violence.

Under the act, a "domestic violence agency" is any office, shelter, host home, or agency that meets DSS's service provision criteria and helps domestic violence victims through crisis intervention, emergency shelter referral, and medical and legal advocacy.

"Trauma-informed services" are services directed by a thorough understanding of the neurological, biological, psychological, and social effects of trauma and violence on someone.

EFFECTIVE DATE: July 1, 2022