
OLR Bill Analysis

sHB 5330

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE CONSUMER PROTECTION STATUTES.

TABLE OF CONTENTS:

SUMMARY

§ 1 – CASE BOTTLE QUANTITIES

Expands the numbers and quantities of bottles allowed in a case of alcoholic liquor

§§ 1, 8, 16-19 & 21 – BOATS

Eliminates the provision allowing prior boat permittees to be deemed in compliance with the cafe permit and allows an in-state transporter's permit the same rights and privileges under current law as these cafe permits

§§ 2 & 23 – RELIGIOUS WINE RETAILER PERMIT

Establishes a religious wine retailer permit that allows permittees to make retail sales of sacramental wine to religious organizations

§ 3 — IN-STATE TRANSPORTER PERMIT FOR ALCOHOLIC LIQUOR

Allows an in-state transporter's permittee to have one permit to cover all their boats and vehicles under common control, direction, or management

§§ 4, 5 & 7— CURBSIDE PICKUP OF ALCOHOLIC LIQUOR

Allows package store and grocery store beer permittees to allow curbside pick-up of previously purchased alcoholic liquor

§§ 6, 9-10 & 12 – TECHNICAL CHANGES

Makes various technical changes

§§ 8 & 25 – THIRD-PARTY FOOD DELIVERY

Deems food delivery through a third-party as satisfying the requirement that cafe and Connecticut craft cafe permittees keep food available for sale

§ 8 – CAFE PERMITS IN AIRPORTS

Allows additional airports to receive cafe permits for on premises alcohol sales

§§ 11, 13-16, 20 & 23 – CLUB AND NONPROFIT CLUB PERMITS

Makes various minor, technical, and conforming changes to implement changes from PA 21-10 that reestablished the club and nonprofit club permits; until June 5, 2024, allows these permittees to sell and deliver alcoholic liquor for off-premises consumption subject to specified conditions

§§ 17 & 26 – PLACARDING EXEMPTIONS

Exempts off-site farm winery sales and wine, cider, and mead tasting permits; out-of-state retailer shipper's permits for wine; out-of-state winery shipper's permits for wine; in-state transporter's permits; and seasonal outdoor open-air permits from certain notification and placarding requirements

§ 17 — BUILDING, FIRE, ZONING, AND HOUR EXEMPTION

Expands the exemption for providing proof that certain local requirements will be met

§ 18 — EXEMPTION TO THE MANDATORY REFUSAL OF PERMITS FOR CERTAIN INDIVIDUALS

Expands the list of cafe permits that are excluded from the mandatory liquor permit refusal law

§ 19 — HOLDING TWO PERMITS

Allows a backer or permittee of an airline permit and an in-state transporter's permit for a boat to be a backer or permittee of another permit class

§ 22 — AIRLINE PERMITS

Exempts airline permittees from having their permit or a duplicate framed and hung in plain view

§ 24 — RESTAURANT SPACE

Specifies that a dining room must have at least 400 square feet of dining space and seating for 20 individuals when there is no effective separation

§ 27 — PROVISIONAL PERMIT FEES NONREFUNDABLE

Requires a provisional permit application to be sworn rather than affirmed and makes the 90-day provisional permit nonrefundable

§ 28 — MINORS EMPLOYED IN CAFES

Specifically allows minors (under age 21) to be employed in any premises with a cafe permit

§ 30 — DISCLOSURE OF IDENTIFYING INFORMATION

Generally extends to information collected under the state's medical marijuana and controlled substance registration laws existing law's protections against the public disclosure of identifying information

§ 31 — FLAVORING AGENTS USED IN PRESCRIPTIONS

Eliminates a reference to U.S. Pharmacopeia standards

§ 32 — AUTOMATED PRESCRIPTION DISPENSING MACHINES

Expands the definition of "long-term care pharmacy" to additionally allow registered non-resident pharmacies to use automated prescription dispensing machines in nursing homes

§ 33 — ELECTRONIC ORDERS FOR CONTROLLED SUBSTANCES

Authorizes manufacturers and wholesalers to accept electronic orders for schedule II controlled substances

§ 34 — TRANSFERS DURING EMERGENCIES

During a declared emergency, authorizes pharmacies and other registrants to transfer a medical device to another pharmacy, registrant or DCP-approved location

§§ 35 & 36 — GET ONE FREE

Specifies that in instances when a retailer fails to redeem a coupon or remove a limited time reduced price sign, the retailer must give the consumer the product at the reduced price rather than for free

[§ 37 — CREDIT CARD SURCHARGE PROHIBITION](#)

Makes various changes to the prohibition on credit card surcharges, including exempting certain governmental agencies, requiring additional disclosures when there is a minimum transaction amount or cash discount offer, and deeming violations under the bill as violations under CUTPA and allowing the DCP commissioner to assess additional penalties

[§ 38 — INVOICES AND WORK ORDERS FOR WORK ON A PRIVATE RESIDENCE](#)

Requires licensed tradespeople and businesses performing work on private residences to include certain information in invoices or work orders for completed work and services

[§§ 39-42 — CONSUMER HEATING FUEL DEALERS](#)

Expands the prohibition against consumer heating fuel dealers denying fuel deliveries while a consumer complaint before DCP is pending by extending it to deliveries (1) year-round and (2) for fuel for cooking or power generation

[§ 43 — CONTINUING EDUCATION FOR ELECTRICIANS AND PLUMBERS](#)

Authorizes electricians and plumbers to take required continuing education online; establishes requirements (e.g., class size and location) for continuing education

[§ 44 — APPRAISAL MANAGEMENT COMPANIES \(AMC\)](#)

Makes a minor change to address a federal audit of the AMC laws

[§§ 45-46 & 48 — HOMEMAKER-COMPANION AGENCIES](#)

Generally prohibits anyone associated with a homemaker-companion agency, other than a client's immediate family member, from serving as the client's agent under a power of attorney

[§ 47 — CONTRACTS FOR WORK ON PRIVATE RESIDENCES](#)

Eliminates a requirement that contracts for work on private residential property by licensed tradespeople be in writing; requires written contracts to be provided to the property owner when they are executed or amended; specifies the conditions under which a property owner can cancel a contract for emergency repairs

[§ 49 — CONTINUING EDUCATION DEADLINE FOR ACCOUNTANTS](#)

Makes a conforming change to reflect a law that generally requires public accountants to complete their continuing education by June 30

[§ 50-55 — FOOD WAREHOUSES, BAKERIES, AND FOOD MANUFACTURING ESTABLISHMENTS](#)

Makes various minor and conforming changes to generally subject food warehouses, bakeries, and food manufacturing establishments to the same laws; eliminates the requirement that applicants obtain a certificate of zoning approval if the proposed use conforms to existing zoning requirements; expands DCP's authority to issue regulations

SUMMARY

This bill makes various changes to the Department of Consumer Protection (DCP) statutes, including:

1. making various changes to the Liquor Control Act, including establishing a religious wine retailer permit, allowing certain

- curbside alcohol pickup, and making certain minor, technical, and conforming changes (§§ 1-29);
2. generally extending to information collected under the state's medical marijuana and controlled substance registration laws protections against the public disclosure of identifying information (§ 30);
 3. making various changes in the pharmacy and controlled substances laws, including (a) allowing DCP-registered non-resident pharmacies to use automated prescription dispensing machines in nursing homes and (b) authorizing controlled substances manufacturers and wholesalers to accept electronic orders for schedule II controlled substances (§§ 30-34);
 4. specifying that retailers must give the consumer the product at the reduced price rather than for free in certain circumstances (§§ 35-36);
 5. making various changes to the prohibition on credit card surcharges, including exempting certain governmental agencies, and requiring additional disclosures (§ 37);
 6. making various changes to the laws regulating licensed tradespeople, including requiring them to include certain information in invoices or work orders when working on private residences (§§ 38, 43, 47 & 49);
 7. expanding the prohibition against consumer heating fuel dealers denying fuel deliveries while a consumer complaint is pending before DCP (§ 40);
 8. generally prohibiting anyone associated with a homemaker-companion agency, other than a client's immediate family member, from serving as the client's agent under a power of attorney (§ 46); and
 9. generally subjecting food warehouses, bakeries, and food manufacturing establishments to the same laws (§§ 50-55).

EFFECTIVE DATE: Upon passage, except the provisions on tradespeople’s invoices or work orders (§ 38) is effective July 1, 2022.

§ 1 – CASE BOTTLE QUANTITIES

Expands the numbers and quantities of bottles allowed in a case of alcoholic liquor

Existing law establishes the quantity and number of bottles generally allowed in a case of alcoholic liquor (other than beer, cocktails, cordials, prepared mixed drinks, and wines). The bill expands the allowable quantities and numbers of bottles to include those shown in the following table.

Additional Case Bottle Quantities Allowed Under the Bill

Quantity	Bottle Size (mL)
6	1,800
12	700
12	720
12	900

§§ 1, 8, 16-19 & 21 – BOATS

Eliminates the provision allowing prior boat permittees to be deemed in compliance with the cafe permit and allows an in-state transporter’s permit the same rights and privileges under current law as these cafe permits

PA 19-24, among other things, combined various permits for on-premises alcohol consumption into the cafe permit, including the boat permit. PA 21-11, among other things, allowed an in-state transporter’s permittee for alcoholic liquor, with DCP approval, to sell and serve alcoholic liquor (e.g., beer, wine, and spirits) for consumption on boats hired to transport passengers. The bill eliminates the provision allowing prior boat permittees to be deemed in compliance with the cafe permit and instead provides boats operating under an in-state transporter’s permit the same rights and privileges under current law as these cafe permits.

The bill defines “boat,” as any vessel that (1) operates on any Connecticut waterway, and (2) engages in transporting passengers for hire to or from any Connecticut port.

§§ 2 & 23 – RELIGIOUS WINE RETAILER PERMIT

Establishes a religious wine retailer permit that allows permittees to make retail sales of sacramental wine to religious organizations

The bill establishes a religious wine retailer permit, which allows the holder to import and sell at retail, sacramental wine to religious organizations. Under the bill, “sacramental wine” is wine used exclusively for religious or sacramental purposes and exempt from state alcoholic beverages tax under state regulations (Conn. Agencies Regs., § 12-449-9a). A “religious organization” is (1) any religious corporation, society, or organization formed or recognized under state law (chapter 598) or (2) any religious organization that is exempt from the state alcoholic beverages tax.

The sacramental wine must not be consumed on the permit premises and any wine sale must only take place during permissible hours (i.e., Monday through Saturday, from 8:00 a.m. to 10:00 p.m., and Sundays, from 10:00 a.m. to 6:00 p.m. Permittees cannot sell or dispense alcohol on Thanksgiving Day, New Year's Day, or Christmas Day).

The bill requires the permittee to operate at least one retail location in Connecticut, be primarily engaged in the business of selling religious supplies that do not contain alcohol, and not hold any other alcoholic liquor permit. The annual fee for a religious wine retail permit is \$250.

Under the bill, a permittee may purchase sacramental wine directly from a manufacturer, out-of-state shipper, or wholesaler. All wine shipments must be conspicuously labeled “for sacramental or religious purposes only.” If the permittee imports a supply of any sacramental wine brand directly from a manufacturer or out-of-state shipper into the state, the brand does not need to comply with state registration and price filing requirements.

§ 3 — IN-STATE TRANSPORTER PERMIT FOR ALCOHOLIC LIQUOR

Allows an in-state transporter's permittee to have one permit to cover all their boats and vehicles under common control, direction, or management

PA 21-11 allowed an in-state transporter's permittee for alcoholic liquor, with DCP approval, to sell and serve alcoholic liquor for

consumption on boats hired to transport passengers and motor vehicles in livery services (e.g., limousines). Under current law, one permit covers all boats and vehicles under common ownership. The bill expands this provision to also allow one permit to cover boats and vehicles under common control, direction, or management.

§§ 4, 5 & 7— CURBSIDE PICKUP OF ALCOHOLIC LIQUOR

Allows package store and grocery store beer permittees to allow curbside pick-up of previously purchased alcoholic liquor

The bill allows package store and grocery store beer permittees to allow curbside pick-up of previously purchased alcoholic liquor (e.g., spirits, wine, and beer) by (1) the consumer who purchased the alcoholic liquor or (2) an in-state transporter's permittee or his or her agent. The curbside pick-up must be limited to the space immediately adjacent to, or in the parking lot abutting, the permit premises. The permittees may allow the curbside pick-up during the hours a package store or grocery store is allowed to sell alcoholic liquor, unless a more restrictive municipal ordinance limits the pick-up hours. The bill explicitly excludes curbside pick-ups from provisions in existing law that prohibit drive-up sales of alcoholic liquor.

§§ 6, 9-10 & 12 — TECHNICAL CHANGES

Makes various technical changes

The bill makes various technical changes.

§§ 8 & 25 — THIRD-PARTY FOOD DELIVERY

Deems food delivery through a third-party as satisfying the requirement that cafe and Connecticut craft cafe permittees keep food available for sale

By law, cafe and Connecticut craft cafe permittees must keep food available for sale for the majority of the hours they are open, which may include outside vendors located on or near the premises. The bill allows food delivery through a third-party to satisfy the food requirement.

§ 8 — CAFE PERMITS IN AIRPORTS

Allows additional airports to receive cafe permits for on premises alcohol sales

The bill allows cafe permits to be issued in any airport rather than just in the Bradley International Airport. As under existing law, the

location must be in a passenger terminal complex, or adjacent to the complex and attached by a common partition that is open to the public or airline club members or their guests, with or without food sales.

§§ 11, 13-16, 20 & 23 – CLUB AND NONPROFIT CLUB PERMITS

Makes various minor, technical, and conforming changes to implement changes from PA 21-10 that reestablished the club and nonprofit club permits; until June 5, 2024, allows these permittees to sell and deliver alcoholic liquor for off-premises consumption subject to specified conditions

Technical and Conforming Changes

PA 21-10 reestablished the club and nonprofit club alcoholic liquor permits and eliminated prior provisions that allowed these permittees to receive a cafe permit. PA 19-24, among other things, combined various permits for on-premises alcohol consumption into the cafe permit, including the club and nonprofit club permits. The bill makes various minor, technical, and conforming changes to implement the changes from both of these acts.

Off-premises Consumption Sales and Deliveries

Existing law allows manufacturers, hotels, restaurants, and certain cafe permittees, until June 5, 2024, to sell and deliver sealed alcoholic liquor (e.g., beer, wine, or spirits) for off-premises consumption. The bill extends this same authorization to club and nonprofit permittees, subject to the same conditions that apply to these other permittees under existing law. This includes requirements that the:

1. alcoholic liquor sold for off-premises consumption be accompanied by food prepared on the permit premises;
2. sales be consistent with all local ordinances where the premises is located;
3. any container other than the manufacturer's original sealed container be securely sealed in a way that prevents consumption without removing the tamper-evident lid, cap, or seal;
4. sales and deliveries be made (a) only during the hours package stores may operate under state law and (b) by the permittee's direct employee (or a third-party vendor or entity that holds an

in-state transporter permit); and

5. sales comply with specified per-customer, per-order limits (i.e., 196 ounces for beer, one liter for spirits, and 1.5 liters for wine).

§§ 17 & 26 – PLACARDING EXEMPTIONS

Exempts off-site farm winery sales and wine, cider, and mead tasting permits; out-of-state retailer shipper's permits for wine; out-of-state winery shipper's permits for wine; in-state transporter's permits; and seasonal outdoor open-air permits from certain notification and placarding requirements

By law, liquor permit applicants are generally required to give notice of a new permit in the newspaper and place placards visible from the road that include certain information, such as the business's name and location. The bill exempts applicants for the following permits from these placarding requirements for both new permits and renewals: off-site farm winery sales and wine, cider, and mead tasting permits; out-of-state retailer shipper's permits for wine; out-of-state winery shipper's permits for wine; in-state transporter's permits, including boats operating under this permit; and seasonal outdoor open-air permits.

§ 17 – BUILDING, FIRE, ZONING, AND HOUR EXEMPTION

Expands the exemption for providing proof that certain local requirements will be met

By law, liquor applicants are generally required to submit documents sufficient to establish that state and local building, fire, and zoning requirements and local ordinances concerning hours and days of sale will be met. Current law exempts prior airport permits deemed in compliance with a cafe permit from these requirements. The bill expands the exemption to prior railroad permittees deemed in compliance with a cafe permit.

§ 18 – EXEMPTION TO THE MANDATORY REFUSAL OF PERMITS FOR CERTAIN INDIVIDUALS

Expands the list of cafe permits that are excluded from the mandatory liquor permit refusal law

Existing law generally requires DCP to refuse liquor permits to certain individuals (e.g., state marshals and judges), except for specified permit types (e.g., out-of-state shipper's and airline permits). The bill expands the list of exempted permits to include all cafe permits, rather

than just cafe permits for special outing facilities.

§ 19 – HOLDING TWO PERMITS

Allows a backer or permittee of an airline permit and an in-state transporter's permit for a boat to be a backer or permittee of another permit class

By law, with certain exceptions, permittees of one class are not allowed to be a permittee of another class (CGS § 30-48(a)).

The bill allows backers and permittees for airline permits and boats operating under in-state transporter's permits to be a holder or backer of one or more other classes of permits. It also allows in-state transporter's permittees to hold a seasonal outdoor open-air permit.

§ 22 – AIRLINE PERMITS

Exempts airline permittees from having their permit or a duplicate framed and hung in plain view

The bill exempts airline permittees from having their permit or a duplicate framed and hung in plain view in a conspicuous place in any room where sales are allowed and carried on. By law, an airline permit allows airlines to sell or dispense alcohol for consumption to passengers while in transit on any aircraft that is operated regularly (CGS § 30-28a).

§ 24 – RESTAURANT SPACE

Specifies that a dining room must have at least 400 square feet of dining space and seating for 20 individuals when there is no effective separation

The bill specifies that, for purposes of a restaurant permit, a dining room must have at least 400 square feet of dining space and seating for 20 individuals in the dining room, even if the space has no effective separation between the barroom and dining room. By regulation, restaurants are already required to have this square footage and seating capacity (Conn. Agencies Regs., § 30-6-B28).

§ 27 – PROVISIONAL PERMIT FEES NONREFUNDABLE

Requires a provisional permit application to be sworn rather than affirmed and makes the 90-day provisional permit nonrefundable

Under current law, DCP or the Liquor Control Commission may issue a 90-day provisional permit to an applicant or backer who has, among other things, submitted an affirmed application. The bill instead

requires the applicant to make a sworn application. The bill also makes the provisional permit's \$500 fee nonrefundable.

§ 28 — MINORS EMPLOYED IN CAFES

Specifically allows minors (under age 21) to be employed in any premises with a cafe permit

The law generally allows anyone over age 16 to be employed by an alcoholic liquor permittee, except individuals must be at least age 18 to serve or sell alcohol (CGS § 30-90a). The café permit laws, however, currently prohibit minors (under age 21) from being employed in any capacity on any premises operating under a cafe permit. The bill eliminates this prohibition, thus specifically allowing minors to be employed on a cafe permit's premises, subject to the age and liquor handling restrictions that generally apply to alcoholic liquor permittees.

§ 30 — DISCLOSURE OF IDENTIFYING INFORMATION

Generally extends to information collected under the state's medical marijuana and controlled substance registration laws existing law's protections against the public disclosure of identifying information

The bill extends, to include information collected under the state's medical marijuana and controlled substance registration laws (e.g., filings and inspection reports), a law that generally prohibits DCP, the Pharmacy Commission, and the Department of Public Health, from publicly disclosing information that allows the identification of individuals or institutions. Under existing law unchanged by the bill, exceptions include disclosure (1) during a proceeding involving licensure or the right to practice and (2) that the DCP commissioner deems to be in the interest of public health.

§ 31 — FLAVORING AGENTS USED IN PRESCRIPTIONS

Eliminates a reference to U.S. Pharmacopeia standards

Under current law, flavoring agents added to prescriptions by pharmacies must be considered safe, meaning they must, among other requirements, (1) consist of one or more ingredients generally recognized as safe in food and drugs, (2) be sanctioned by the state or federal government, (3) meet U. S. Pharmacopeia standards, or (4) be a food additive approved for human consumption under the

U. S. Department of Health and Human Services regulations (21 CFR § 172). The bill eliminates the option of meeting U. S. Pharmacopeia standards for flavoring agents added to prescriptions to be considered safe.

§ 32 — AUTOMATED PRESCRIPTION DISPENSING MACHINES

Expands the definition of “long-term care pharmacy” to additionally allow registered non-resident pharmacies to use automated prescription dispensing machines in nursing homes

The bill expands an authorization to use automated prescription dispensing machines in nursing homes to DCP-registered non-resident pharmacies.

Automated prescription dispensing machines are pharmacy-operated machines and associated software through which the operators, based on a verified prescription, package and label patient specific medications that are dispensed by the machine. By law, a registered nurse or a licensed practical nurse must administer the dispensed medication packets.

§ 33 — ELECTRONIC ORDERS FOR CONTROLLED SUBSTANCES

Authorizes manufacturers and wholesalers to accept electronic orders for schedule II controlled substances

Consistent with federal law, the bill authorizes controlled substances manufacturers and wholesalers to accept electronic orders for schedule II controlled substances, if the orders are submitted through the Drug Enforcement Agency's Controlled Substance Ordering System. Currently, under state law, for schedule II drugs, manufacturers and wholesalers are only permitted to accept written orders.

The bill correspondingly eliminates a requirement that an order for a schedule I or II drug be in writing and signed in triplicate (federal rules similarly eliminated the triplicate form system in 2021).

§ 34 — TRANSFERS DURING EMERGENCIES

During a declared emergency, authorizes pharmacies and other registrants to transfer a medical device to another pharmacy, registrant or DCP-approved location

As is already the law for drugs and controlled drugs during a declared emergency, the bill authorizes pharmacies and other

controlled substances registrants to transfer a medical device, if permissible under federal law and with prior DCP commissioner approval, to (1) another pharmacy or registrant or (2) another location the commissioner authorizes. Registrants must accurately record the transfer as state and federal law require and report it in writing to the DCP commissioner. The bill's authorization applies to emergencies declared by the governor or his authorized representative.

The bill defines medical devices as apparatuses, contrivances, and instruments, including their accessories, components, and parts, intended (1) for curing, diagnosing, mitigating, preventing, or treating a human or animal disease, or (2) to affect the structure or function of the human or an animal body.

§§ 35 & 36 — GET ONE FREE

Specifies that in instances when a retailer fails to redeem a coupon or remove a limited time reduced price sign, the retailer must give the consumer the product at the reduced price rather than for free

By law, consumers are generally entitled to receive an item for free, up to a \$20 value, if the (1) electronically scanned price is higher than the posted price or (2) price at the point of sale is higher than the advertised or posted price. Consistent with agency practice, the bill specifies that in instances where a person, association, corporation, firm, or partnership (i.e., retailer) fails to redeem a digital or paper coupon or remove a limited time reduced price sign, the retailer must give the consumer the item (including fruits or vegetables weighed at point of sale) at the reduced price rather than free of cost.

Under the bill, if a retailer fails to redeem a coupon, the retailer must give the consumer a refund equal to the coupon's value. In cases where a retailer fails to remove a limited time reduced price sign, the retailer must give the reduced price to consumers if the sign is next to the consumer commodity, even if the time period for the reduced price has expired.

As under existing law, these provisions apply only to stores with retail sales areas of more than 10,000 square feet. The DCP commissioner, after providing notice and conducting a hearing, may

issue violators a warning citation or impose civil penalties ranging from \$100 to \$1,000.

By law, a consumer commodity is any food (including those that are weighed), drug, device, cosmetic, product, or commodity of any other class, except prescription drugs, that is customarily produced for retail sale for individual consumption, personal care, or household purposes and is usually consumed or expended during consumption or use. It does not include alcoholic liquor or carbonated soft drink containers (CGS §§ 21a-73 & - 79b).

The bill also makes various minor, technical, and conforming changes.

§ 37 — CREDIT CARD SURCHARGE PROHIBITION

Makes various changes to the prohibition on credit card surcharges, including exempting certain governmental agencies, requiring additional disclosures when there is a minimum transaction amount or cash discount offer, and deeming violations under the bill as violations under CUTPA and allowing the DCP commissioner to assess additional penalties

The bill makes various changes to the prohibition on surcharges. It:

1. exempts certain governmental agencies,
2. extends provisions applying to credit cards to also apply to charge cards,
3. requires additional disclosures when there is a minimum transaction amount or cash discount offer,
4. defines previously undefined terms,
5. eliminates a requirement that sellers accept certain trade name bank cards,
6. expands the prohibition on reducing commission paid to an agent because a credit card was used to pay,
7. deems violations an unfair or deceptive trade practice and allows the DCP commissioner to impose additional civil penalties, and

8. allows the DCP commissioner to adopt regulations to implement these provisions.

The bill also makes various minor, technical, and conforming changes

Transactions

Current law prohibits sellers from imposing a surcharge on a buyer who chooses to use any form of payment, including cash, check, credit card, or other means in any sales transaction. The bill expands this provision to prohibit any person from imposing a surcharge on any transaction. Under the bill, a “surcharge” is any additional charge or fee that increases the transaction’s total amount for the privilege of using a particular form of payment.

Under the bill, a “person” means any natural person, corporation, incorporated or unincorporated association, limited liability company, partnership, trust, or other legal entity. “Transaction” means distribution by one person to another person of any service, or the lease, rental, or sale by one person of any tangible or intangible personal, real, or mixed property, or any other article, commodity, or thing of value to another person, for a certain price.

The bill specifically exempts certain governmental charges from its requirements. “Transaction” does not include payment of any:

1. fees, costs, fines, or other charges to a state agency authorized by the Office of Policy and Management secretary (CGS § 1-1j);
2. taxes, penalties, interest, and fees allowed by the revenue services commissioner (CGS § 12-39r);
3. taxes, penalties, interest and fees, or other charges, to a municipality (CGS § 12-141a);
4. fees, costs, fines, or other charges to the judicial branch (CGS § 51-193b); or
5. amounts pursuant to any other provision of the general statutes or regulation of Connecticut state agencies.

Minimum Transaction Amount

As under current law, if a person (e.g., seller) requires a minimum transaction amount to use a credit card, the person must disclose the requirement in writing or orally. The bill extends this requirement to charge cards.

Additionally, the bill requires the written disclosure to be clearly and conspicuously posted on the person's premises if the person conducts in-person transactions. Current law only requires sellers to disclose the minimum transaction amount in writing at the point of purchase (e.g., at or on a cash register, an advertisement, or menu).

Current law requires a seller to disclose the minimum purchase policy orally. The bill specifies that it must be done before completing any oral transaction, including telephone transactions.

The bill also requires the person to display the notice clearly and conspicuously on the Internet website or digital payment application before any online transaction or transaction processed by the digital payment application is completed.

A "charge card" means any card, device or instrument that (1) is issued, with or without a fee, to a holder and requires the holder to pay the full outstanding balance due at the end of each standard billing cycle the issuer established, and (2) the holder uses in a transaction to receive services or lease, purchase, or rent tangible or intangible personal, real or mixed property, or any other article, commodity, or thing of value. It also includes any software application that (1) is used to store a digital form of the card, device, or instrument, and (2) may be used in a transaction to receive these services or lease, purchase, or rent the property, article, commodity, or thing.

Cash Discount

Under current law, a seller may offer a discount to encourage a cash, check, debit card, or similar payment over a credit card payment. The bill also allows sellers to offer discounts to encourage these payments over charge card payments. The bill requires anyone offering this

discount to post notice of it in-store, online, or orally in the same way as the minimum transaction policy (see above).

Definitions

The bill defines several previously undefined terms.

Under the bill, "credit card" (1) means any card, device or instrument that (a) is issued, with or without a fee, to a holder, and (b) may be used by the holder in a transaction to receive services or lease, purchase, or rent tangible or intangible personal, real or mixed property, or any other article, commodity, or thing of value on credit, regardless of whether the card, device, or instrument is known as a credit card, credit plate, or by any other name. It includes any software application that (1) is used to store a digital form of such card, device, or instrument, and (2) may be used in a transaction to receive such services or lease, purchase, or rent any such property, article, commodity, or thing on credit.

"Debit card" means any card, code, device, or other means of access, or any combination thereof, that (1) is authorized or issued for use to debit an asset account held, directly or indirectly, by a financial institution, and (2) may be used in a transaction to receive services or lease, purchase, or rent tangible or intangible personal, real or mixed property, or any other article, commodity, or thing of value regardless of whether the card, code, device, means, or combination is known as a debit card. It includes (1) any software application that is used to store a digital form of such card, code, device, or other means of access, or any combination thereof, that may be used in a transaction to receive such services or lease, purchase, or rent any such property, article, commodity or thing, and (2) any cards, codes, devices, or other means of access, or any combination thereof, commonly known as automated teller machine cards and payroll cards. A "debit card" does not mean (1) a check, draft, or similar paper instrument, or (2) any electronic representation of such check, draft, or instrument.

Trade Name Bank Credit Card

The bill eliminates a provision that requires any seller who accepts or offers to accept a bank credit card bearing a trade name as payment to

accept any bank credit card with the tradename a cardholder presents, regardless of the card issuer's identity.

Prohibition on Reducing Commission

The bill expands to additional industries, current law's prohibition on reducing the amount of commission paid to a travel agent because a credit card was used to pay. The bill expands this prohibition to any agent, which is anyone who (1) arranges for the distribution of services by another person, or (2) leases, rents, or sells tangible or intangible personal, real or mixed property, or any other article, commodity, or thing of value, on behalf of another person. Under the bill, the prohibition also applies to charge card transactions.

Violations

Under the bill, any violation of these provisions is deemed an unfair or deceptive trade practice (CUTPA). Under current law, only violations of provision prohibiting reducing commission are CUTPA violations.

The bill also allows the DCP commissioner to impose an additional civil penalty of up to \$500 per violation. Civil penalty payments must be deposited into the consumer protection enforcement account.

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and up to \$25,000 for a restraining order violation.

§ 38 — INVOICES AND WORK ORDERS FOR WORK ON A PRIVATE RESIDENCE

Requires licensed tradespeople and businesses performing work on private residences to include certain information in invoices or work orders for completed work and services

The bill requires certain tradespeople and businesses performing

work on private residences to include the following information on invoices or work orders for completed work and services:

1. the legal name and license number of the licensed contractor or the responsible licensed contractor of record;
2. the name of each licensee who performed work;
3. the contractor's address or, in the case of a business, the business's address and phone number; and
4. a description of the work or services performed, including the dates it was done and the labor and material costs.

Under the bill, these requirements do not apply to invoices or work orders that are signed by consumers and, therefore, are a contract.

The bill's requirement applies to work performed on private residences (generally one-to-six unit residential properties and condominium or common interest communities of any size) by a licensed contractor in the elevator installation, repair, and maintenance; fire protection sprinkler systems; flat glass work; gas hearth; heating, piping, and cooling; irrigation; plumbing and piping; residential star lift; sheet metal; solar; swimming pool; and electrical fields. It also applies to the people who own or control businesses that perform work or provide services to these residences through the same licensed tradespeople.

§§ 39-42 — CONSUMER HEATING FUEL DEALERS

Expands the prohibition against consumer heating fuel dealers denying fuel deliveries while a consumer complaint before DCP is pending by extending it to deliveries (1) year-round and (2) for fuel for cooking or power generation

Existing law establishes conditions under which a heating fuel dealer who owns a residential tank and has exclusive fill requirements is barred from refusing to make fuel deliveries to a consumer because of a complaint DCP is mediating or investigating. Currently, these dealers are barred from refusing deliveries from October 1 to March 31 if the (1) dealer is the only supplier and (2) consumer pays cash upon delivery. The bill eliminates the seasonal nature of the ban, making it apply year-

round.

The bill also appears to expand this prohibition to deliveries of fuel used for cooking or power generation. However, the bill does not change existing laws to incorporate the broader range of covered fuels, dealers, and consumers. (Existing law, unchanged by the bill, defines “consumer” as a purchaser of fuel used as the primary source of residential heat or domestic hot water. Similarly, the bill applies to “heating fuel dealers,” which are defined under existing law as dealers of petroleum-based fuels that are used as the primary source of residential heat or domestic hot water. Because these terms do not capture buyers and sellers of cooking or power generation fuels, it is unclear whether the bill will capture transactions involving cooking or power generation fuel deliveries.)

The bill also makes numerous technical and conforming changes.

§ 43 — CONTINUING EDUCATION FOR ELECTRICIANS AND PLUMBERS

Authorizes electricians and plumbers to take required continuing education online; establishes requirements (e.g., class size and location) for continuing education

Current regulations require continuing education (CE) for tradespeople in the electrical and plumbing and piping fields to be conducted in a classroom-style facility and prohibit correspondence courses (Conn. Agencies Regs. § 20-334d-1). The bill broadens the types of CE courses that may be offered to include online courses that (1) include real-time video with audio, (2) require participants to periodically confirm their active engagement, and (3) allow participants to interact with instructors in real time during the entire CE session.

The bill also establishes additional requirements for these in-person and online CE courses. Under the bill, the courses must:

1. be limited to 50 attendees if offered in-person, and 25 attendees if online; and
2. not be offered or held at a licensed plumbing or electrical contractor’s place of business if the course is for plumbers or

electricians, respectively, and offered in-person.

Under the bill, CE providers must (1) retain an audio-visual recording of their online or in-person course for at least 30 days and (2) make the recordings available at DCP's request.

The bill also makes technical and conforming changes.

§ 44 — APPRAISAL MANAGEMENT COMPANIES (AMC)

Makes a minor change to address a federal audit of the AMC laws

The bill makes a minor change to the definition of AMC to address a federal audit recommendation. Currently, the definition of AMC excludes a financial institution's department or unit that (1) is regulated by a Connecticut or federal agency and (2) only receives appraisal requests from the financial institution's employees. The bill repeals this qualification and instead specifies that AMCs exclude departments or divisions of an entity providing appraisal management services exclusively to that entity.

Under existing law unchanged by the bill, the following are also not considered AMCs:

1. an appraiser that enters into an agreement with another appraiser to perform an appraisal, if the appraisal is signed by both appraisers upon completion;
2. an AMC that is a subsidiary owned and controlled by a financial institution regulated by a federal financial institution regulatory agency (i.e., a bank, out-of-state bank, or institutional lender (or any of their subsidiaries or affiliates) or another lender licensed by the Department of Banking); and
3. any local, state, or federal agency or department.

The bill also makes a number technical and conforming changes.

§§ 45-46 & 48 — HOME MAKER-COMPANION AGENCIES

Generally prohibits anyone associated with a homemaker-companion agency, other than a client's immediate family member, from serving as the client's agent under a power of attorney

The bill prohibits homemaker-companion agencies' owners, agents, corporate officers, and employees (other than a client's immediate family member) from serving as a client's agent under a power of attorney. The client may petition the DCP commissioner for an exemption, which may be granted for good cause shown.

The bill defines "immediate family member" as a child by adoption, blood, or marriage; grandchild; grandparent; parent; sibling; or spouse.

The bill also makes technical and conforming changes.

§ 47 — CONTRACTS FOR WORK ON PRIVATE RESIDENCES

Eliminates a requirement that contracts for work on private residential property by licensed tradespeople be in writing; requires written contracts to be provided to the property owner when they are executed or amended; specifies the conditions under which a property owner can cancel a contract for emergency repairs

Applicable Contracts

The bill makes several changes to a law enacted in 2021 that requires contracts for work on private residential property by licensed tradespeople to meet certain specifications in order to be valid or enforceable against the owner. Specifically, the bill:

1. limits the application of this law to written contracts only, excluding oral contracts between a property owner and contractor (or employing business) and
2. requires contractors (or the employing businesses) that enter into these written contracts to deliver and give to each owner who is a party to the contract a copy of it when it is executed or amended, for free.

As under existing law, the bill's provisions apply to work performed by a licensed contractor in the elevator installation, repair, and maintenance; fire protection sprinkler systems; flat glass work; gas hearth; heating, piping, and cooling; irrigation; plumbing and piping; residential star lift; sheet metal; solar; swimming pool; and electrical

fields. It applies to work on private residences, which are generally one-to-six unit residential properties and condominium or common interest communities of any size.

Emergency or Immediate Repairs

The bill specifies that an owner’s cancellation rights under the Home Solicitation Sales Act do not apply when:

1. a written contract was executed for the purpose of making emergency or immediate repairs that were necessary to protect people or real or personal property; and
2. prior to executing the written contract, the owner gave the contractor (or employing business) a written, signed, and dated statement (a) describing the situation requiring emergency or immediate repairs and (b) expressly waiving the right to cancel the contract under the Home Solicitation Sales Act.

The bill’s provisions supersede those in the Home Solicitation Sales Act that exempt a transaction from the Act’s coverage if the consumer (1) initiates the transaction to resolve a personal emergency and (2) gives the seller a separate handwritten, signed, and dated description of the emergency and expressly waives his or her cancellation rights.

The bill requires the portion of a written contract between a contractor (or employing business) and a property owner that discloses an owner’s cancellation rights under the Home Solicitation Sales Act to include notice that those rights are subject to the bill’s emergency repair exception.

§ 49 — CONTINUING EDUCATION DEADLINE FOR ACCOUNTANTS

Makes a conforming change to reflect a law that generally requires public accountants to complete their continuing education by June 30

Generally, the law requires DCP credential holders to complete their required CE at least three months before the credential’s annual or biennial renewal date. But another existing law specifically requires certified public accountants to complete their annual CE by June 30 or face higher renewal fees (CGS § 20-281d).

The bill makes a conforming change to explicitly exempt public accountants from the general rule.

§ 50-55 — FOOD WAREHOUSES, BAKERIES, AND FOOD MANUFACTURING ESTABLISHMENTS

Makes various minor and conforming changes to generally subject food warehouses, bakeries, and food manufacturing establishments to the same laws; eliminates the requirement that applicants obtain a certificate of zoning approval if the proposed use conforms to existing zoning requirements; expands DCP's authority to issue regulations

The bill makes several minor and conforming changes to uniformly regulate bakeries, food warehouses, and food manufacturing establishments. Specifically, it:

1. subjects food manufacturing establishments to the same vehicle and transporting requirements applicable to bakeries and food warehouses (e.g., requiring that the vehicles be kept in a sanitary condition and have enclosed compartments in which unwrapped products are transported);
2. authorizes the DCP commissioner to summarily suspend a food warehouse license pending a hearing if she believes emergency action is necessary, just as existing law allows for bakery and food manufacturing licenses; and
3. expands DCP's authority to issue regulations to include regulations on (a) inspecting food warehouses and manufacturing establishments and (b) adjusting license fees for food manufacturing establishments.

Applicants for a new bakery, food warehouse, or food manufacturing establishment license must provide to DCP a certificate of zoning compliance for the proposed location. The bill exempts them from this requirement if the proposed use conforms to the municipality's existing zoning requirements (presumably, the applicant will attest to this). Current law exempts only food warehouses that were registered in good standing before October 2019. By law, unchanged by the bill, no certificate is required for license renewals or transfers.

Grandfathered Food Warehouses

The bill also reestablishes the DCP commissioner's authority to direct the design and construction of specified food warehouses. Current law exempts food warehouses from this oversight if they were registered in good standing before October 2019, in good repair, free of pests, and store food properly. The bill eliminates this exemption, presumably, subjecting these warehouses to the commissioner's authority when they are being expanded or modified. It also reestablishes the commissioner's authority to inspect a warehouse before issuing a license, even if the warehouse was registered before October 2019 and transferred its registration to a new license.

The bill also makes a number technical and conforming changes.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/15/2022)