

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 22-104**—sHB 5330  
*General Law Committee*

**AN ACT CONCERNING CANNABIS ADVERTISING AND THE  
DEPARTMENT OF CONSUMER PROTECTION'S  
RECOMMENDATIONS REGARDING VARIOUS REVISIONS TO THE  
CONSUMER PROTECTION STATUTES**

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*Makes various changes to the prohibition on credit card surcharges, including (1) exempting certain governmental agencies, (2) requiring additional disclosures when there is a minimum transaction amount or cash discount offer, and (3) deeming violations under the act to be CUTPA violations and allowing the DCP commissioner to assess additional penalties*

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

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[§§ 38-41 — 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*

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

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

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

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[§§ 44-45 & 47 — 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*

[§ 46 — 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*

[§ 48 — 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*

[§§ 49-53 & 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*

[§ 54 — CANNABIS ADVERTISING](#)

*Eliminates the increase, under PA 22-103, § 8, in the minimum distance required for certain cannabis advertisements from certain buildings; instead prohibits billboard advertising within 1,500 feet of these same buildings and houses of worship*

**SUMMARY:** This act makes various changes in the Department of Consumer Protection (DCP) statutes, including the following:

1. making various changes in 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 protections against the public disclosure of identifying information to information collected under the state's medical marijuana and controlled substance registration laws (§ 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 (§§ 30-33);
4. specifying that retailers must give the consumer a product at the reduced price rather than for free in certain circumstances (e.g., failing to redeem a coupon or remove a sign for a sale) (§§ 34 & 35);
5. making various changes to the prohibition on credit card surcharges, including exempting certain governmental agencies, and requiring additional disclosures (§ 36);
6. making various changes in the laws governing licensed tradespeople, including requiring them to include certain information in invoices or work orders when working on private residences (§§ 37, 42, 46 & 48);
7. expanding the prohibition against consumer heating fuel dealers denying fuel deliveries while a consumer complaint is pending before DCP (§ 39);
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 (§ 45);
9. generally subjecting food warehouses, bakeries, and food manufacturing establishments to the same laws (§§ 49-53 & 55); and
10. eliminating the increase, under PA 22-103, in the minimum distance required for certain cannabis advertisements from certain buildings and instead prohibiting billboard advertising within 1,500 feet of these same buildings and houses of worship (§ 54).

**EFFECTIVE DATE:** Upon passage, except the provisions on tradespeople's

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invoices or work orders (§ 37) are effective July 1, 2022.

§ 1 — CASE BOTTLE QUANTITIES

*Expands the number of bottles allowed in a case of alcoholic liquor*

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

**Additional Case Bottle Quantities Allowed Under the Act**

<b>Quantity</b>	<b>Bottle Size (mL)</b>
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 grants an in-state transporter’s permit the same rights and privileges under prior law for those cafe permits*

PA 19-24 combined various permits for on-premises alcohol consumption into the cafe permit, including the boat permit. PA 21-11 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 act 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 prior law for those cafe permits.

The act 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 act establishes a religious wine retailer permit, which allows the holder to import and sell at retail sacramental wine to religious organizations. Under the act, “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

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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 Sunday 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 act 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 act, 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 into the state from a manufacturer or out-of-state shipper, 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 its 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 existing law, one permit covers all boats and vehicles under common ownership. The act 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 offer curbside pick-up of previously purchased alcoholic liquor*

The act allows package store and grocery store beer permittees to offer 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 act explicitly excludes curbside pick-ups from provisions in existing law that prohibit drive-up sales of alcoholic liquor.

### §§ 6, 9-10 & 12 — TECHNICAL CHANGES

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*Makes various technical changes*

The act makes various technical changes.

## §§ 8 & 25 — THIRD-PARTY FOOD DELIVERY

*Allows third-party food delivery to satisfy 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. This may include food from outside vendors located on or near the premises. The act 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 act allows cafe permits to be issued in any airport rather than just in 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 combined various permits for on-premises alcohol consumption into the cafe permit, including the club and nonprofit club permits. The act makes various minor, technical, and conforming changes to implement the changes from both acts.

### *Off-Premises Consumption Sales and Deliveries*

Existing law allows manufacturers, hotels, restaurants, and certain cafe permittees to sell and deliver sealed alcoholic liquor (e.g., beer, wine, or spirits) until June 5, 2024, for off-premises consumption. The act 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 the following requirements:

1. alcoholic liquor sold for off-premises consumption must be accompanied by food prepared on the permit premises;

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2. sales must be consistent with all local ordinances where the premises is located;
3. any container other than the manufacturer's original sealed container must be securely sealed in a way that prevents consumption without removing the tamper-evident lid, cap, or seal;
4. sales and deliveries must 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's permit); and
5. sales must 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 from certain notification and placarding requirements (1) off-site farm winery sales and wine, cider, and mead tasting permits; (2) out-of-state retailer shipper's permits for wine; (3) out-of-state winery shipper's permits for wine; (4) in-state transporter's permits; and (5) seasonal outdoor open-air permits*

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 act 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 governing hours and days of sale will be met. Existing law exempts prior airport permits deemed in compliance with a cafe permit from these requirements. The act 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 act expands the list of exempted



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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 or 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 act 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 act 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 act 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 fee nonrefundable*

Under prior law, DCP or the Liquor Control Commission could issue a 90-day provisional permit to an applicant or backer who has, among other things, submitted an affirmed application. The act instead requires the applicant to make a sworn application. The act also makes the provisional permit's \$500 fee nonrefundable.

### § 28 — MINORS EMPLOYED IN CAFES

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*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; however, individuals must be at least age 18 to serve or sell alcohol (CGS § 30-90a). Prior cafe permit laws prohibited minors (under age 21) from being employed in any capacity on any premises operating under a cafe permit. The act eliminates this prohibition, 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.

### § 29 — MINORS IN BARROOM

*Allows unaccompanied minors to wait and consume food on a permit premises in a barroom without effective separation*

Prior law prohibited unaccompanied minors (under age 21) from sitting or standing at a bar in a (1) barroom that consists of only one room or (2) premises without effective separation between the barroom and dining room. The act allows such unaccompanied minors to remain in such premises while waiting for and consuming food prepared on the permit premises.

### § 30 — DISCLOSURE OF IDENTIFYING INFORMATION

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

The act extends, to 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 identifies individuals or institutions. Under existing law, 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 — AUTOMATED PRESCRIPTION DISPENSING MACHINES

*Expands the definition of "long-term care pharmacy" to allow registered non-resident pharmacies to use automated prescription dispensing machines in nursing homes and other supervised residential facilities*

The act broadens an authorization to use automated prescription dispensing machines by expanding the statutory definition of a "long-term care pharmacy" to include DCP-registered non-resident pharmacies. In doing so, it allows these non-resident pharmacies to use automated prescription dispensing machines in nursing homes, residential care homes, and other supervised residential facilities.

Automated prescription dispensing machines are pharmacy-operated machines and associated software through which the operators, based on a verified

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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.

### § 32 — ELECTRONIC ORDERS FOR CONTROLLED SUBSTANCES

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

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

The act 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.)

### § 33 — 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 act 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 act's authorization applies to emergencies declared by the governor or his authorized representative.

The act 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.

### §§ 34 & 35 — 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 act 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

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consumer the item (including fruits or vegetables weighed at point of sale) at the reduced price rather than free of cost.

Under the act, 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 act also makes various minor, technical, and conforming changes.

### § 36 — CARD SURCHARGE PROHIBITION

*Makes various changes to the prohibition on credit card surcharges, including (1) exempting certain governmental agencies, (2) requiring additional disclosures when there is a minimum transaction amount or cash discount offer, and (3) deeming violations under the act to be CUTPA violations and allowing the DCP commissioner to assess additional penalties*

The act makes the following changes to the statutory prohibition on card surcharges (e.g., credit and debit):

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 to be unfair or deceptive trade practices and allows the DCP commissioner to impose additional civil penalties, and
8. allows the DCP commissioner to adopt regulations to implement these provisions.

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

### *Transactions*

Prior law prohibited sellers from imposing a surcharge on a buyer who chose to use any form of payment, including cash, check, credit card, or other means, in any sales transaction. The act expands this provision to prohibit any person from

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imposing a surcharge on any transaction. Under the act, 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 act, a “person” means any natural person, corporation, incorporated or unincorporated association, limited liability company, partnership, trust, or other legal entity. “Transaction” means (1) distribution by one person to another person of any service or (2) 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 act specifically exempts certain governmental charges from its requirements. “Transaction” does not include payment of any of the following:

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 regulations of Connecticut state agencies.

### *Minimum Transaction Amount*

By 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 act extends this requirement to charge cards.

Additionally, the act requires the seller to clearly and conspicuously post the written disclosure on the premises if the seller conducts in-person transactions. Prior law only required sellers to disclose the minimum transaction amount in writing at the point of purchase (e.g., at or on a cash register, advertisement, or menu).

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

The act 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.

The act defines “charge card” as 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 to 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

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property, article, commodity, or thing.

### *Cash Discount*

Existing law allows a seller to offer a discount to encourage a cash, check, debit card, or similar payment over a credit card payment. The act also allows sellers to offer discounts to encourage these payments over charge card payments. The act 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 act defines several previously undefined terms.

Under the act, “credit card” means any card, device, or instrument that (1) is issued, with or without a fee, to a holder, and (2) 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, as a credit plate, or by any other name. It includes any software application that (1) stores a digital form of the 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 stores 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 a check, draft, or instrument.

### *Trade Name Bank Credit Card*

The act 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*

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The act expands to additional industries prior law's prohibition on reducing the amount of commission paid to a travel agent because a credit card was used to pay. The act expands this prohibition to any agent, who 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 act, the prohibition also applies to charge card transactions.

### *Violations*

The act 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.

Under the act, any violation of these provisions is deemed an unfair or deceptive trade practice under CUTPA. Under prior law, only violations of the provision prohibiting reducing commission were CUTPA violations.

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.

### § 37 — 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 act 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 act, these requirements do not apply to invoices or work orders that are signed by consumers and, therefore, are a contract.

The act'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 fields of elevator

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installation, repair, and maintenance; fire protection sprinkler systems; flat glass work; gas hearth; heating, piping, and cooling; irrigation; plumbing and piping; residential stair lift; sheet metal; solar; swimming pool; and electrical. 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.

### §§ 38-41 — 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*

The 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. Under prior law, these dealers were barred from refusing deliveries from October 1 to March 31 if the (1) dealer was the only supplier and (2) consumer paid cash upon delivery. The act eliminates the seasonal nature of the ban, making it apply year-round.

The act also expands this prohibition to deliveries of fuel used for cooking or power generation. (However, the act does not make conforming changes to incorporate the broader range of covered fuels, dealers, and consumers.)

The act also makes numerous technical and conforming changes.

### § 42 — CONTINUING EDUCATION FOR ELECTRICIANS AND PLUMBERS

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

Existing 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 act 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 act also establishes additional requirements for these in-person and online CE courses. Under the act, 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 act, CE providers must retain an audio-visual recording of their online or in-person course for at least 30 days and make the recordings available at DCP's request.

The act also makes technical and conforming changes.

### § 43 — APPRAISAL MANAGEMENT COMPANIES (AMC)



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

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

Existing law, unchanged by the act, also does not consider the following to be 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 its subsidiaries or affiliates) or another lender licensed by the Department of Banking); and
3. any local, state, or federal agency or department.

The act also makes a number of technical and conforming changes.

### §§ 44-45 & 47 — 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*

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

The act also makes technical and conforming changes.

### § 46 — 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 act 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 to be valid or enforceable against the owner. Specifically, the act does the following:

1. limits the application of this law to written contracts only, excluding oral contracts between a property owner and contractor (or employing business),

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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 free copy of it when it is executed or amended.

As under existing law, the act's provisions apply to work performed by a licensed contractor in the fields of 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. 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 act specifies that an owner's cancellation rights under the Home Solicitation Sales Act do not apply when:

1. a written contract was executed for emergency or immediate repairs 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 act's provisions supersede those in the Home Solicitation Sales Act that exempt a transaction from that 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 act 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 emergency repair exception.

### § 48 — 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 continuing education (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 act makes a conforming change to explicitly exempt public accountants from the general rule.

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### §§ 49-53 & 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 act makes several minor and conforming changes to uniformly regulate bakeries, food warehouses, and food manufacturing establishments. Specifically, it does the following:

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 act exempts them from this requirement if the proposed use conforms to the municipality's existing zoning requirements (presumably, the applicant will attest to this). Prior law exempted only food warehouses that were registered in good standing before October 2019. By law, unchanged by the act, no certificate is required for license renewals or transfers.

#### *Grandfathered Food Warehouses*

The act also reestablishes the DCP commissioner's authority to direct the design and construction of specified food warehouses. Prior law exempted food warehouses from this oversight if they were registered in good standing before October 2019, in good repair, and free of pests and stored food properly. The act eliminates this exemption, 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 act also makes a number of technical and conforming changes.

### § 54 — CANNABIS ADVERTISING

*Eliminates the increase, under PA 22-103, § 8, in the minimum distance required for certain cannabis advertisements from certain buildings; instead prohibits billboard advertising within 1,500 feet of these same buildings and houses of worship*

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PA 22-103, § 8, increased the minimum distance, from 500 to 1,500 feet, needed to advertise cannabis or cannabis products or paraphernalia in any physical form visible to the public from certain buildings (i.e., elementary or secondary school grounds, recreation centers or facilities, child care centers, playgrounds, public parks, or libraries). It also added houses of worship to the list of buildings subject to this requirement. The act eliminates these changes and instead prohibits cannabis establishments from advertising on any billboard within 1,500 feet of the buildings listed above and houses of worship.