



General Assembly

January Session, 2023

**Raised Bill No. 1058**

LCO No. 4340



Referred to Committee on GENERAL LAW

Introduced by:  
(GL)

***AN ACT CONCERNING THE ATTORNEY GENERAL'S  
RECOMMENDATIONS REGARDING CONSUMER PROTECTION AND  
FINANCIAL REPORTING BY CHARITABLE ORGANIZATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-230 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 (a) As used in this section:

4 (1) "Precipitating event" means (A) a civil preparedness emergency  
5 declaration issued by the Governor pursuant to chapter 517, (B) a  
6 transportation emergency declaration issued by the Governor pursuant  
7 to section 3-6b, or (C) any major disaster or emergency declaration  
8 issued by the President of the United States;

9 (2) "Unconscionably excessive price" means an increased price at  
10 which a vendor leases, rents or sells an item during a precipitating event  
11 if (A) such increased price is grossly disproportionate to the price at  
12 which the vendor leased, rented or sold such item (i) immediately before  
13 the precipitating event, or (ii) while the precipitating event was

14 reasonably anticipated, and (B) the increased price is not attributable to  
15 additional costs incurred by the vendor in leasing, renting or selling the  
16 item during the precipitating event; and

17 (3) "Vendor" means a person, corporation or firm, including, but not  
18 limited to, a distributor, manufacturer, retailer, supplier or wholesaler.

19 (b) No [person, firm or corporation] vendor shall [increase the price  
20 of] lease, rent or sell, or offer to lease, rent or sell, any item [which such  
21 person, firm or corporation sells or offers for sale at retail] in the chain  
22 of distribution at an unconscionably excessive price at any location in  
23 an area which is the subject of any [disaster emergency declaration  
24 issued by the Governor pursuant to chapter 517, any transportation  
25 emergency declaration issued by the Governor pursuant to section 3-6b  
26 or any major disaster or emergency declaration issued by the President  
27 of the United States, until the period of emergency or disaster is declared  
28 by] precipitating event until the Governor or the President, as  
29 applicable, declares such precipitating event to be at an end. [Nothing  
30 in this section shall prohibit the fluctuation in the price of items sold at  
31 retail which occurs during the normal course of business. Any person,  
32 firm or corporation which violates any provision of this section shall be  
33 fined not more than ninety-nine dollars.]

34 (c) Any violation of the provisions of this section shall be deemed an  
35 unfair or deceptive trade practice under subsection (a) of section 42-  
36 110b, and if an action to enforce the provisions of this section is brought  
37 on behalf of the state, such action shall be brought in the judicial district  
38 of Hartford. The Attorney General shall have (1) exclusive authority to  
39 enforce the provisions of this section on behalf of the state, and (2) for  
40 the purposes of this section, the authority to (A) order an investigation  
41 or examination pursuant to section 42-110d, as amended by this act, or  
42 (B) take such other enforcement action under sections 42-110e to 42-  
43 110q, inclusive, as the Attorney General deems necessary.

44 Sec. 2. Subsection (b) of section 51-164n of the general statutes is  
45 repealed and the following is substituted in lieu thereof (*Effective July 1,*

46 2023):

47 (b) Notwithstanding any provision of the general statutes, any person  
48 who is alleged to have committed (1) a violation under the provisions of  
49 section 1-9, 1-10, 1-11, 2-71h, 4b-13, 7-13, 7-14, 7-35 or 7-41, subsection (c)  
50 of section 7-66, section 7-83, 7-147h, 7-148, 7-148f, 7-148o, 7-283, 7-325, 7-  
51 393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-185, 10-193, 10-197, 10-198, 10-  
52 230, 10-251, 10-254, 10a-35, 12-52, 12-54, 12-129b or 12-170aa, subdivision  
53 (3) of subsection (e) of section 12-286, section 12-286a, 12-292, 12-314b or  
54 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of  
55 section 12-411, section 12-435c, 12-476a, 12-476b, 12-476c, 12-487, 13a-71,  
56 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139,  
57 13a-140, 13a-143b, 13a-253, 13a-263 or 13b-39f, subsection (f) of section  
58 13b-42, section 13b-90 or 13b-100, subsection (a) of section 13b-108,  
59 section 13b-221 or 13b-292, subsection (a) or (b) of section 13b-324,  
60 section 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c,  
61 subsection (a), (b) or (c) of section 13b-412, section 13b-414 or 14-4,  
62 subdivision (2) of subsection (a) of section 14-12, subsection (d) of  
63 section 14-12, subsection (f) of section 14-12a, subsection (a) of section  
64 14-15a, section 14-16c, 14-20a or 14-27a, subsection (f) of section 14-34a,  
65 subsection (d) of section 14-35, section 14-43, 14-44j, 14-49, 14-50a, 14-58  
66 or 14-62a, subsection (b) of section 14-66, section 14-66a or 14-67a,  
67 subsection (g) of section 14-80, subsection (f) or (i) of section 14-80h,  
68 section 14-97a or 14-98, subsection (a), (b) or (d) of section 14-100a,  
69 section 14-100b, 14-103a, 14-106a, 14-106c, 14-145a or 14-146, subsection  
70 (b) of section 14-147, section 14-152, 14-153, 14-161 or 14-163b, subsection  
71 (f) of section 14-164i, section 14-213b or 14-219, subdivision (1) of section  
72 14-223a, subsection (d) of section 14-224, section 14-240, 14-250, 14-253a,  
73 14-261a, 14-262, 14-264, 14-266, 14-267a, 14-269, 14-270, 14-272b, 14-274,  
74 14-275 or 14-275a, subsection (c) of section 14-275c, section 14-276,  
75 subsection (a) or (b) of section 14-277, section 14-278, 14-279 or 14-280,  
76 subsection (b), (e) or (h) of section 14-283, section 14-283d, 14-283e, 14-  
77 283f, 14-283g, 14-291, 14-293b, 14-296aa, 14-298a, 14-300, 14-300d, 14-  
78 300f, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a,  
79 subdivision (1), (2) or (3) of section 14-386a, section 15-15e, 15-25 or 15-

80 33, subdivision (1) of section 15-97, subsection (a) of section 15-115,  
81 section 16-15, 16-16, 16-44, 16-256e, 16-278 or 16a-15, subsection (a) of  
82 section 16a-21, section 16a-22, subsection (a) or (b) of section 16a-22h,  
83 section 16a-106, 17a-24, 17a-145, 17a-149 or 17a-152, subsection (b) of  
84 section 17a-227, section 17a-465, subsection (c) of section 17a-488, section  
85 17b-124, 17b-131, 17b-137, 19a-33, 19a-39 or 19a-87, subsection (b) of  
86 section 19a-87a, section 19a-91, 19a-102a, 19a-102b, 19a-105, 19a-107,  
87 19a-113, 19a-215, 19a-216a, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287,  
88 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340,  
89 19a-425, 19a-442, 19a-502, 19a-565, 20-7a, 20-14, 20-153a, 20-158, 20-231,  
90 20-233, 20-249, 20-257, 20-265, 20-324e, 20-329c or 20-329g, subsection (b)  
91 of section 20-334, section 20-341l, 20-366, 20-482, 20-597, 20-608, 20-610,  
92 20-623, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48 or 21-63, subsection (d) of  
93 section 21-71, section 21-76a or 21-100, subsection (c) of section 21a-2,  
94 subdivision (1) of section 21a-19, section 21a-20 or 21a-21, subdivision  
95 (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30,  
96 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-70b  
97 or 21a-77, subsection (b) or (c) of section 21a-79, section 21a-85 or 21a-  
98 154, subdivision (1) of subsection (a) of section 21a-159, section 21a-278b,  
99 subsection (c), (d) or (e) of section 21a-279a, section 21a-421eee, 21a-  
100 421fff, 21a-421hhh, subsection (a) of section 21a-430, section 22-12b, 22-  
101 13, 22-14, 22-15, 22-16, 22-26g, 22-30, 22-34, 22-35, 22-36, 22-38, 22-39, 22-  
102 39f, 22-49, 22-54, 22-61j or 22-61l, subdivision (1) of subsection (n) of  
103 section 22-61l, subsection (f) of section 22-61m, subdivision (1) of  
104 subsection (f) of section 22-61m, section 22-84, 22-89, 22-90, 22-96, 22-98,  
105 22-99, 22-100 or 22-111o, subsection (d) of section 22-118l, section 22-167,  
106 subsection (c) of section 22-277, section 22-278, 22-279, 22-280a, 22-318a,  
107 22-320h, 22-324a or 22-326, subsection (b), subdivision (1) or (2) of  
108 subsection (e) or subsection (g) of section 22-344, subsection (a) or (b) of  
109 section 22-344b, section 22-344c, subsection (d) of section 22-344d,  
110 section 22-344f, 22-350a, 22-354, 22-359, 22-366, 22-391, 22-413, 22-414,  
111 22-415, 22-415c, 22a-66a or 22a-246, subsection (a) of section 22a-250,  
112 section 22a-256g, subsection (e) of section 22a-256h, section 22a-363 or  
113 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,  
114 22a-450, 22a-461, 23-4b, 23-38, 23-45, 23-46 or 23-61b, subsection (a) or

115 subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40,  
116 subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-  
117 21, 26-31, 26-40, 26-40a, 26-42, 26-43, 26-49, 26-54, 26-55, 26-56, 26-58 or  
118 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64,  
119 subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94,  
120 26-97, 26-98, 26-104, 26-105, 26-107, 26-114a, 26-117, subsection (b) of  
121 section 26-127, 26-128, 26-128a, 26-131, 26-132, 26-138, 26-139 or 26-141,  
122 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-  
123 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-231, 26-  
124 232, 26-244, 26-257a, 26-260, 26-276, 26-280, 26-284, 26-285, 26-286, 26-  
125 287, 26-288, 26-290, 26-291a, 26-292, 26-294, 27-107, 28-13, 29-6a, 29-16,  
126 29-17, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e), (g) or  
127 (h) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of  
128 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section  
129 29-291c, section 29-316 or 29-318, subsection (b) of section 29-335a,  
130 section 29-381, 30-19f, 30-48a or 30-86a, subsection (b) of section 30-89,  
131 subsection (c) or (d) of section 30-117, section 31-3, 31-10, 31-11, 31-12,  
132 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38,  
133 31-40, 31-44, 31-47 or 31-48, subsection (b) of section 31-48b, section 31-  
134 51, 31-51g, 31-52, 31-52a, 31-53 or 31-54, subsection (a) or (c) of section  
135 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134,  
136 subsection (i) of section 31-273, section 31-288, 31-348, 33-624, 33-1017,  
137 34-13d or 34-412, subdivision (1) of section 35-20, subsection (a) of  
138 section 36a-57, subsection (b) of section 36a-665, section 36a-699, 36a-  
139 739, 36a-787, 38a-2 or 38a-140, subsection (a) or (b) of section 38a-278,  
140 section 38a-479qq, 38a-479rr, 38a-506, 38a-548, 38a-626, 38a-680, 38a-713,  
141 38a-733, 38a-764, 38a-786, 38a-828, 38a-829, 38a-885, 42-133hh, [42-230,]  
142 42-470 or 42-480, subsection (a) or (c) of section 43-16q, section 45a-283,  
143 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,  
144 section 46a-59, 46a-81b, 46b-22, 46b-24, 46b-34, 46b-38d, 47-34a, 47-47 or  
145 47-53, subsection (i) of section 47a-21, subdivision (1) of subsection (k)  
146 of section 47a-21, section 49-2a, 49-8a, 49-16, 52-143 or 52-289, subsection  
147 (j) of section 52-362, section 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-  
148 264, 53-280, 53-290a, 53-302a, 53-303e, 53-311a, 53-314, 53-321, 53-322, 53-  
149 323 or 53-331, subsection (b) of section 53-343a, section 53-344,

150 subsection (b) or (c) of section 53-344b, subsection (b) of section 53-345a,  
151 section 53-377, 53-422 or 53-450 or subsection (i) of section 54-36a, or (2)  
152 a violation under the provisions of chapter 268, or (3) a violation of any  
153 regulation adopted in accordance with the provisions of section 12-484,  
154 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or  
155 bylaw of any town, city or borough, except violations of building codes  
156 and the health code, for which the penalty exceeds ninety dollars but  
157 does not exceed two hundred fifty dollars, unless such town, city or  
158 borough has established a payment and hearing procedure for such  
159 violation pursuant to section 7-152c, shall follow the procedures set  
160 forth in this section.

161       Sec. 3. Subsections (c) to (f), inclusive, of section 42-110d of the  
162 general statutes are repealed and the following is substituted in lieu  
163 thereof (*Effective from passage*):

164       (c) In addition to other powers conferred upon the commissioner,  
165 said commissioner may execute in writing and cause to be served by  
166 certified mail an investigative demand upon any person suspected of  
167 using, having used or about to use any method, act or practice declared  
168 by section 42-110b to be unlawful or upon any person from whom said  
169 commissioner wants assurance that section 42-110b has not, is not or  
170 will not be violated. Such investigative demand shall contain a  
171 description of the method, act or practice under investigation, provide  
172 a reasonable time for compliance, and require such person to furnish  
173 under oath or otherwise, as may be specified in said demand, a report  
174 in writing setting forth relevant facts or circumstances together with  
175 documentary material. Notwithstanding subsection (f) of this section,  
176 responses to investigative demands issued under this subsection may  
177 be withheld from public disclosure during the full pendency of the  
178 investigation.

179       (d) Said commissioner, in conformance with sections 4-176e to 4-185,  
180 inclusive, whenever [he] the commissioner has reason to believe that  
181 any person has been engaged or is engaged in an alleged violation of  
182 any provision of this chapter, shall mail to such person, by certified mail,

183 a complaint stating the charges and containing a notice of a hearing, to  
184 be held upon a day and at a place therein fixed at least fifteen days after  
185 the date of such complaint. The person so notified shall have the right  
186 to file a written answer to the complaint and charges therein stated and  
187 appear at the time and place so fixed for such hearing, in person or  
188 otherwise, with or without counsel, and submit testimony and be fully  
189 heard. Any person may make application, and upon good cause shown  
190 shall be allowed by the commissioner to intervene and appear in such  
191 proceeding by counsel or in person. The testimony in any such  
192 proceeding, including the testimony of any intervening person, shall be  
193 under oath and shall be reduced to writing by the recording officer of  
194 the hearing and filed in the office of the commissioner. The  
195 commissioner or [his] the commissioner's authorized representatives  
196 shall have the power to require by subpoena the attendance and  
197 testimony of witnesses and the production of any documentary material  
198 at such proceeding. If upon such hearing the commissioner is of the  
199 opinion that the method of competition or the act or practice in question  
200 is prohibited by this chapter, the commissioner shall make a report in  
201 writing to the person complained of in which [he] the commissioner  
202 shall state [his] the commissioner's findings as to the facts and shall  
203 forward by certified mail to such person an order to cease and desist  
204 from using such methods of competition or such act or practice, or, if  
205 the amount involved is less than ten thousand dollars, an order directing  
206 restitution, or both. The commissioner may apply for the enforcement  
207 of any cease and desist order, order directing restitution or consent  
208 order issued under this chapter to the superior court for the judicial  
209 district of Hartford, or to any judge thereof if the same is not in session,  
210 for orders temporarily and permanently restraining and enjoining any  
211 person from continuing violations of such cease and desist order, order  
212 directing restitution or consent order. Such application for a temporary  
213 restraining order, temporary and permanent injunction, order directing  
214 restitution and for such other appropriate decree or process shall be  
215 brought and the proceedings thereon conducted by the Attorney  
216 General.

217 (e) In addition to any injunction issued pursuant to subsection (d) of  
218 this section, the court may make such additional orders or judgments as  
219 may be necessary to restore to any person in interest any moneys or  
220 property, real or personal, which may have been acquired by means of  
221 any practices prohibited by this chapter, including the appointment of a  
222 receiver or the revocation of a license or certificate authorizing the  
223 person subject to the order or injunction to engage in business in this  
224 state, or both.

225 (f) The commissioner or the Attorney General or their employees  
226 shall disclose, in accordance with the provisions of the Freedom of  
227 Information Act, as defined in section 1-200, all records concerning the  
228 investigation of any alleged violation of any provision of this chapter,  
229 including, but not limited to, any complaint initiating an investigation  
230 and all records of the disposition or settlement of a complaint. For  
231 purposes of this section, "disposition" shall include the following action  
232 or nonaction with respect to any complaints or investigations: [(A)] (1)  
233 No action taken because of [(i)] (A) a lack of jurisdiction, [; (ii)] (B)  
234 unsubstantiated allegations, or [(iii)] (C) a lack of sufficient information  
235 to draw a conclusion, as determined by the commissioner, after  
236 investigation; [(B)] (2) referral to another state agency, or to a federal or  
237 local agency, or to law enforcement authorities; [(C)] (3) an acceptance  
238 of an assurance of voluntary compliance in accordance with the  
239 provisions of section 42-110j; and [(D)] (4) formal action taken, including  
240 the institution of administrative proceedings pursuant to subsection (d)  
241 of this section or court proceedings pursuant to section 42-110m, 42-110o  
242 or 42-110p. The commissioner may withhold such records from  
243 disclosure during the pendency of an investigation or examination held  
244 in accordance with subsection (a) of this section, but in no event shall  
245 the commissioner withhold any such records longer than a period of  
246 eighteen months after the date on which the initial complaint was filed  
247 with the commissioner or after the date on which the investigation or  
248 examination was commenced, whichever is earlier. Nothing herein shall  
249 be deemed to affect the rights of litigants, including parties to  
250 administrative proceedings, under the laws of discovery of this state.



251 Sec. 4. Subsection (c) of section 35-42 of the general statutes is  
252 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
253 *2023*):

254 (c) (1) All documentary material furnished to the Attorney General,  
255 [his or her] the Attorney General's deputy or any assistant attorney  
256 general designated by the Attorney General, pursuant to a demand  
257 issued under subsection (a) of this section, shall be held in the custody  
258 of the Attorney General, or the Attorney General's designee, and shall  
259 not be available to the public. Such documentary material shall be  
260 returned to the person furnishing such documentary material, or, if such  
261 person furnishes such documentary material in an electronic format,  
262 erased, upon the termination of the Attorney General's investigation or  
263 final determination of any action or proceeding commenced thereunder.

264 (2) All documentary material or other information furnished  
265 voluntarily to the Attorney General, [his or her] the Attorney General's  
266 deputy or any assistant attorney general designated by the Attorney  
267 General, for suspected violations of the provisions of this chapter, and  
268 the identity of the person furnishing such documentary material or  
269 other information, shall be held in the custody of the Attorney General,  
270 or the Attorney General's designee, and shall not be available to the  
271 public. Such documentary material or other information shall be  
272 returned to the person furnishing such documentary material or other  
273 information, or, if such person furnishes such documentary material or  
274 other information in an electronic format, erased, upon the termination  
275 of the Attorney General's investigation or final determination of any  
276 action or proceeding commenced thereunder.

277 Sec. 5. Subsection (d) of section 4-61dd of the general statutes is  
278 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
279 *2023*):

280 (d) The Attorney General may summon witnesses, require the  
281 production of any necessary books, papers or other documents and  
282 administer oaths to witnesses, where necessary, for the purpose of an

283 investigation pursuant to this section or for the purpose of investigating  
284 a suspected violation of subsection (a) of section 4-275 until such time as  
285 the Attorney General files a civil action pursuant to section 4-276.  
286 Service of a subpoena ad testificandum, subpoena duces tecum and a  
287 notice of deposition, may be made by: (1) Personal service or service at  
288 the usual place of abode; or (2) registered or certified mail, return receipt  
289 requested, a duly executed copy thereof addressed to the person to be  
290 served at such person's principal place of business in this state, or, if  
291 such person has no principal place of business in this state, at such  
292 person's principal office or such person's residence. Upon the  
293 conclusion of the investigation, the Attorney General shall where  
294 necessary, report any findings to the Governor, or in matters involving  
295 criminal activity, to the Chief State's Attorney. In addition to the exempt  
296 records provision of section 1-210, the Auditors of Public Accounts and  
297 the Attorney General shall not, after receipt of any information from a  
298 person under the provisions of this section or sections 4-276 to 4-280,  
299 inclusive, disclose the identity of such person without such person's  
300 consent unless the Auditors of Public Accounts or the Attorney General  
301 determines that such disclosure is unavoidable, and may withhold  
302 records of such investigation, during the pendency of the investigation.  
303 All documentary material or other information furnished to the  
304 Attorney General, [his or her] the Attorney General's deputy or any  
305 assistant attorney general designated by the Attorney General, pursuant  
306 to a demand issued under this subsection for the purpose of  
307 investigating a suspected violation of subsection (a) of section 4-275,  
308 shall be returned to the person furnishing such documentary material  
309 or other information, or, if such person furnished such documentary  
310 material or other information in an electronic format, erased, upon the  
311 termination of the Attorney General's investigation or final  
312 determination of any action or proceeding commenced thereunder.

313 Sec. 6. Section 36a-701b of the general statutes is repealed and the  
314 following is substituted in lieu thereof (*Effective October 1, 2023*):

315 (a) For purposes of this section, (1) "breach of security" means  
316 unauthorized access to or unauthorized acquisition of electronic files,

317 media, databases or computerized data, containing personal  
318 information when access to the personal information has not been  
319 secured by encryption or by any other method or technology that  
320 renders the personal information unreadable or unusable; and (2)  
321 "personal information" means an individual's (A) first name or first  
322 initial and last name in combination with any one, or more, of the  
323 following data: (i) Social Security number; (ii) taxpayer identification  
324 number; (iii) identity protection personal identification number issued  
325 by the Internal Revenue Service; (iv) driver's license number, state  
326 identification card number, passport number, military identification  
327 number or other identification number issued by the government that is  
328 commonly used to verify identity; (v) credit or debit card number; (vi)  
329 financial account number in combination with any required security  
330 code, access code or password that would permit access to such  
331 financial account; (vii) medical information regarding an individual's  
332 medical history, mental or physical condition, or medical treatment or  
333 diagnosis by a health care professional; (viii) health insurance policy  
334 number or subscriber identification number, or any unique identifier  
335 used by a health insurer to identify the individual; [or] (ix) biometric  
336 information consisting of data generated by electronic measurements of  
337 an individual's unique physical characteristics used to authenticate or  
338 ascertain the individual's identity, such as a fingerprint, voice print,  
339 retina or iris image; or (x) precise geolocation data, as defined in section  
340 42-515; or (B) user name or electronic mail address, in combination with  
341 a password or security question and answer that would permit access  
342 to an online account. "Personal information" does not include publicly  
343 available information that is lawfully made available to the general  
344 public from federal, state or local government records or widely  
345 distributed media.

346 (b) (1) Any person who owns, licenses or maintains computerized  
347 data that includes personal information, shall provide notice of any  
348 breach of security following the discovery of the breach to any resident  
349 of this state whose personal information was breached or is reasonably  
350 believed to have been breached. Such notice shall be made without

351 unreasonable delay but not later than sixty days after the discovery of  
352 such breach, unless a shorter time is required under federal law, subject  
353 to the provisions of subsection (d) of this section. If the person identifies  
354 additional residents of this state whose personal information was  
355 breached or reasonably believed to have been breached following sixty  
356 days after the discovery of such breach, the person shall proceed in good  
357 faith to notify such additional residents as expediently as possible. Such  
358 notification shall not be required if, after an appropriate investigation  
359 the person reasonably determines that the breach will not likely result  
360 in harm to the individuals whose personal information has been  
361 acquired or accessed.

362 (2) If notice of a breach of security is required by subdivision (1) of  
363 this subsection:

364 (A) The person who owns, licenses or maintains computerized data  
365 that includes personal information, shall, not later than the time when  
366 notice is provided to the resident, also provide notice of the breach of  
367 security to the Attorney General; and

368 (B) The person who owns or licenses computerized data that includes  
369 personal information, shall offer to each resident whose personal  
370 information under clause (i) or (ii) of subparagraph (A) of subdivision  
371 (2) of subsection (a) of this section was breached or is reasonably  
372 believed to have been breached, appropriate identity theft prevention  
373 services and, if applicable, identity theft mitigation services. Such  
374 service or services shall be provided at no cost to such resident for a  
375 period of not less than [twenty-four months] two years. Such person  
376 shall provide all information necessary for such resident to enroll in  
377 such service or services and shall include information on how such  
378 resident can place a credit freeze on such resident's credit file.

379 (c) Any person that maintains computerized data that includes  
380 personal information that the person does not own shall notify the  
381 owner or licensee of the information of any breach of the security of the  
382 data immediately following its discovery, if the personal information of

383 a resident of this state was breached or is reasonably believed to have  
384 been breached.

385 (d) Any notification required by this section shall be delayed for a  
386 reasonable period of time if a law enforcement agency determines that  
387 the notification will impede a criminal investigation and such law  
388 enforcement agency has made a request that the notification be delayed.  
389 Any such delayed notification shall be made after such law enforcement  
390 agency determines that notification will not compromise the criminal  
391 investigation and so notifies the person of such determination.

392 (e) Any notice to a resident, owner or licensee required by the  
393 provisions of this section may be provided by one of the following  
394 methods, subject to the provisions of subsection (f) of this section: (1)  
395 Written notice; (2) telephone notice; (3) electronic notice, provided such  
396 notice is consistent with the provisions regarding electronic records and  
397 signatures set forth in 15 USC 7001; (4) substitute notice, provided such  
398 person demonstrates in the notice provided to the Attorney General that  
399 the cost of providing notice in accordance with subdivision (1), (2) or (3)  
400 of this subsection would exceed two hundred fifty thousand dollars,  
401 that the affected class of subject persons to be notified exceeds five  
402 hundred thousand persons or that the person does not have sufficient  
403 contact information. Substitute notice shall consist of the following: (A)  
404 Electronic mail notice when the person has an electronic mail address  
405 for the affected persons; (B) conspicuous posting of the notice on the  
406 web site of the person if the person maintains one; and (C) notification  
407 to major state-wide media, including newspapers, radio and television.

408 (f) (1) In the event of a breach of login credentials under  
409 subparagraph (B) of subdivision (2) of subsection (a) of this section,  
410 notice to a resident may be provided in electronic or other form that  
411 directs the resident whose personal information was breached or is  
412 reasonably believed to have been breached to promptly change any  
413 password or security question and answer, as applicable, or to take  
414 other appropriate steps to protect the affected online account and all  
415 other online accounts for which the resident uses the same user name or

416 electronic mail address and password or security question and answer.

417 (2) Any person that furnishes an electronic mail account shall not  
418 comply with this section by providing notification to the electronic mail  
419 account that was breached or reasonably believed to have been  
420 breached if the person cannot reasonably verify the affected resident's  
421 receipt of such notification. In such an event, the person shall provide  
422 notice by another method described in this section or by clear and  
423 conspicuous notice delivered to the resident online when the resident is  
424 connected to the online account from an Internet protocol address or  
425 online location from which the person knows the resident customarily  
426 accesses the account.

427 (g) Any person that maintains such person's own security breach  
428 procedures as part of an information security policy for the treatment of  
429 personal information and otherwise complies with the timing  
430 requirements of this section, shall be deemed to be in compliance with  
431 the security breach notification requirements of this section, provided  
432 such person notifies, as applicable, residents of this state, owners and  
433 licensees in accordance with such person's policies in the event of a  
434 breach of security and in the case of notice to a resident, such person  
435 also notifies the Attorney General not later than the time when notice is  
436 provided to the resident. Any person that maintains such a security  
437 breach procedure pursuant to the rules, regulations, procedures or  
438 guidelines established by the primary or functional regulator, as defined  
439 in 15 USC 6809(2), shall be deemed to be in compliance with the security  
440 breach notification requirements of this section, provided (1) such  
441 person notifies, as applicable, such residents of this state, owners, and  
442 licensees required to be notified under and in accordance with the  
443 policies or the rules, regulations, procedures or guidelines established  
444 by the primary or functional regulator in the event of a breach of  
445 security, and (2) if notice is given to a resident of this state in accordance  
446 with subdivision (1) of this subsection regarding a breach of security,  
447 such person also notifies the Attorney General not later than the time  
448 when notice is provided to the resident.

449 (h) Any person that is subject to and in compliance with the privacy  
450 and security standards under the Health Insurance Portability and  
451 Accountability Act of 1996 and the Health Information Technology for  
452 Economic and Clinical Health Act ("HITECH") shall be deemed to be in  
453 compliance with this section, provided that (1) any person required to  
454 provide notification to Connecticut residents pursuant to HITECH shall  
455 also provide notice to the Attorney General not later than the time when  
456 notice is provided to such residents if notification to the Attorney  
457 General would otherwise be required under subparagraph (A) of  
458 subdivision (2) of subsection (b) of this section, and (2) the person  
459 otherwise complies with the requirements of subparagraph (B) of  
460 subdivision (2) of subsection (b) of this section.

461 (i) All documents, materials and information provided in response to  
462 an investigative demand issued pursuant to subsection (c) of section 42-  
463 110d, as amended by this act, in connection with the investigation of a  
464 breach of security as defined by this section shall be exempt from public  
465 disclosure under subsection (a) of section 1-210, provided the Attorney  
466 General may make such documents, materials or information available  
467 to third parties in furtherance of such investigation.

468 (j) Failure to comply with the requirements of this section shall  
469 constitute an unfair trade practice for purposes of section 42-110b and  
470 shall be enforced by the Attorney General.

471 (k) Any civil penalties collected for failure to comply with the  
472 requirements of this section may be deposited into the privacy  
473 protection guaranty and enforcement account established pursuant to  
474 section 42-472a, as amended by this act.

475 Sec. 7. Subsections (d) to (h), inclusive, of section 42-471 of the general  
476 statutes are repealed and the following is substituted in lieu thereof  
477 (*Effective July 1, 2023*):

478 (d) (1) [For] Except as provided in subdivision (2) of this subsection,  
479 for persons who hold a license, registration or certificate issued by, or a  
480 charter subject to the supervision of, a state agency other than the

481 Department of Consumer Protection, this section shall be enforceable  
482 only by such other state agency pursuant to such other state agency's  
483 existing statutory and regulatory authority.

484 (2) The provisions of subdivision (1) of this subsection shall not apply  
485 to actions undertaken by the Attorney General.

486 (e) [Any person or entity that violates the provisions of this section  
487 shall be subject to a civil penalty of five hundred dollars for each  
488 violation, provided such civil penalty shall not exceed five hundred  
489 thousand dollars for any single event. It shall not be a violation of this  
490 section if such violation was unintentional.] A violation of this section  
491 shall constitute an unfair trade practice under subsection (a) of section  
492 42-110b.

493 (f) The provisions of this section shall not apply to any agency or  
494 political subdivision of the state.

495 (g) If a financial institution has adopted safeguards that comply with  
496 the standards established pursuant to Section 501(b) of the Gramm-  
497 Leach-Bliley Act of 1999, 15 USC 6801, then such compliance shall  
498 constitute compliance with the provisions of this section.

499 (h) Any civil penalties received pursuant to this section [shall] may  
500 be deposited into the privacy protection guaranty and enforcement  
501 account established pursuant to section 42-472a, as amended by this act.

502 Sec. 8. Section 42-472a of the general statutes is repealed and the  
503 following is substituted in lieu thereof (*Effective October 1, 2023*):

504 (a) There is established a "privacy protection guaranty and  
505 enforcement account" which shall be a nonlapsing account within the  
506 General Fund. The account may contain any moneys required by law to  
507 be deposited in the account. The account shall be used by the  
508 Commissioner of Consumer Protection: (1) For the reimbursement of  
509 losses sustained by individuals injured by a violation of the provisions  
510 of section 42-470, 42-471, as amended by this act, 42-471a, [or] 42-472b,



511 52-571h or 53-454 or any regulation adopted pursuant to either section  
512 42-472d [,] or the claims process established in subsections (f) and (g) of  
513 this section; (2) for the assignment of restitution ordered by a court of  
514 competent jurisdiction as the result of a violation of the provisions of  
515 section 21-120, 21-121, subsection (e) of section 42-470, section 53a-127,  
516 53a-129b, 53a-129c, 53a-129d, 53a-129e or 53a-130, 18 USC 1028 or 18  
517 USC 1028A, where such restitution is owed to a victim who is a resident  
518 of this state on the date of such order or the date of such violation; and  
519 [(2)] (3) for the enforcement of the provisions of (A) section 36a-701b, as  
520 amended by this act, 42-470, 42-471, as amended by this act, 42-471a or  
521 42-472b or any regulation adopted by the Commissioner of Consumer  
522 Protection pursuant to section 42-472d, or (B) section 53-454 by the  
523 Attorney General.

524 (b) Payments received pursuant to subsection (g) of section 36a-701b,  
525 as amended by this act, section 42-470, 42-471, as amended by this act,  
526 42-471a, [or] 42-472b or 54-36o or any regulation adopted pursuant to  
527 section 42-472d, shall be credited to the privacy protection guaranty and  
528 enforcement account until the balance in said account equals two  
529 hundred fifty thousand dollars, and any portion of such balance that  
530 exceeds such amount shall be deposited in the General Fund. Any  
531 money in the privacy protection guaranty and enforcement account  
532 may be invested or reinvested and any interest arising from such  
533 investments shall be credited to said account.

534 (c) Whenever an individual obtains a court judgment against any  
535 person or entity for a violation of section 42-470, 42-471, as amended by  
536 this act, 42-471a, [or] 42-472b, 52-571h or 53-454 or any regulation  
537 adopted pursuant to section 42-472d, such individual may, upon the  
538 final determination of, or expiration of time for appeal in connection  
539 with any such judgment, apply to the Commissioner of Consumer  
540 Protection for an order directing payment out of [said] the privacy  
541 protection guaranty and enforcement account of the amount unpaid  
542 upon the judgment for actual damages and costs taxed by the court  
543 against the person or entity, exclusive of punitive damages. The  
544 application shall be made on forms provided by the commissioner and

545 shall be accompanied by a certified copy of the court judgment, order or  
546 decree obtained against the person or entity, together with a notarized  
547 affidavit, signed and sworn to by the individual, affirming that the  
548 individual: (1) Has complied with all the requirements of this  
549 subsection; (2) has obtained a judgment, order or decree stating the  
550 amount thereof and the amount owing thereon at the date of  
551 application; and (3) except for a judgment obtained by the individual in  
552 small claims court, has caused to be issued a writ of execution upon such  
553 judgment, and the officer executing the same has made a return  
554 showing that no bank accounts or real property of the person or entity  
555 liable to be levied upon in satisfaction of the judgment could be found,  
556 or that the amount realized on the sale of them or of such of them as  
557 were found, under the execution, was insufficient to satisfy the actual  
558 damage portion of the judgment, or stating the amount realized and the  
559 balance remaining due on the judgment after application thereon of the  
560 amount realized. A true and attested copy of such executing officer's  
561 return, when required, shall be attached to such application and  
562 affidavit.

563 (d) Whenever an individual who is a victim of identity theft receives  
564 an order of restitution for a violation of section 21-120, 21-121,  
565 subsection (e) of section 42-470, section 53a-127g, 53a-129b, 53a-129c,  
566 53a-129d, 53a-129e, 53a-130, 18 USC 1028 or 18 USC 1028A, where such  
567 victim is a resident of the state on the date of such order or the date of  
568 such violation, such victim may apply to the Commissioner of  
569 Consumer Protection for an order directing payment out of the privacy  
570 protection guaranty and enforcement account. Such victim shall make  
571 such application on forms provided by the commissioner, and such  
572 application shall be accompanied by: (1) A copy of the court judgment,  
573 order or decree obtained against the person who, or entity that,  
574 committed such identity theft; and (2) a notarized affidavit, signed and  
575 sworn to by such victim, affirming that such victim (A) has complied  
576 with the requirements established in this subsection, and (B) has been  
577 awarded an order of restitution and stating (i) the amount of such  
578 judgment, order or decree, and (ii) the amount owing on such judgment,

579 order or decree on the date of such application.

580 [(d)] (e) Upon receipt of such application made pursuant to  
581 subsection (c) or (d) of this section together with such certified copy of  
582 the court judgment, notarized affidavit and true and attested copy of the  
583 executing officer's return, when applicable and required, the  
584 [commissioner] Commissioner of Consumer Protection or the  
585 commissioner's designee shall inspect such documents for their veracity  
586 and upon a determination that such documents are complete and  
587 authentic, and a determination that the individual has not been paid, the  
588 commissioner shall order payment out of [said] the privacy protection  
589 guaranty and enforcement account of the amount unpaid upon the  
590 judgment for actual damages and costs taxed by the court against the  
591 person or entity, exclusive of punitive damages.

592 [(e)] (f) Whenever an individual is awarded an order of restitution  
593 against any person or entity for loss or damages sustained by reason of  
594 a violation of section 42-470, 42-471a, [or] 42-472b, 52-571h or 53-454 or  
595 any regulation adopted pursuant to section 42-472d in a proceeding  
596 brought by the Attorney General at the request of the [commissioner]  
597 Commissioner of Consumer Protection pursuant to section 42-470 or 42-  
598 471, as amended by this act, or in a proceeding brought by the Attorney  
599 General, such individual may, upon the final determination of [,] or  
600 expiration of time for appeal in connection with any such order of  
601 restitution, apply to the commissioner for an order directing payment  
602 out of [said] the privacy protection guaranty and enforcement account  
603 of the amount unpaid upon the order of restitution. The commissioner  
604 may issue such order upon a determination that the individual has not  
605 been paid.

606 (g) (1) Subject to the provisions of subdivision (2) of this subsection,  
607 in the event that an individual who is a victim of identity theft, as  
608 defined in section 53a-129a, would not otherwise qualify for payment  
609 from the privacy protection guaranty and enforcement account  
610 pursuant to subsection (c) or (d) of this section, such individual may  
611 apply to the Commissioner of Consumer Protection for an order

612 directing payment out of the privacy protection guaranty and  
613 enforcement account in the amount incurred or lost by such individual  
614 due to such identity theft within the prior three years in an amount not  
615 to exceed (A) five thousand dollars to reimburse such individual for  
616 reasonable costs, including, but not limited to, documented lost wages  
617 or costs to resolve or mitigate the effects of such identity theft, and (B)  
618 fifteen thousand dollars for actual losses.

619 (2) An individual who submits an application to the commissioner  
620 pursuant to subdivision (1) of this subsection shall attest to the  
621 commissioner, on a form provided by the commissioner, that (A) the  
622 individual is a victim of identity theft, as defined in section 53a-129a,  
623 and (B) the person or persons who committed such identity theft (i)  
624 cannot reasonably be determined or identified, or (ii) have been  
625 identified, but such person or persons have not been prosecuted due to  
626 any reason other than the noncooperation of such individual except  
627 where such noncooperation is due to domestic violence as defined in  
628 subsection (b) of section 46b-1.

629 (h) Upon receipt of an application made pursuant to subsection (g) of  
630 this section and any supporting evidence required by the Commissioner  
631 of Consumer Protection, the commissioner or the commissioner's  
632 designee shall inspect such application and supporting evidence for  
633 their veracity and, upon a reasonable determination that the individual  
634 who submitted such application is likely a victim of identity theft as  
635 defined in section 53a-129a and the person or persons who committed  
636 identity theft against such individual cannot reasonably be determined  
637 or identified or have been identified but such person or persons have  
638 not been prosecuted due to any reason other than the noncooperation of  
639 such individual except where such noncooperation is due to domestic  
640 violence as defined in subsection (b) of section 46b-1, the commissioner  
641 shall issue an order directing payment out of the privacy protection  
642 guaranty and enforcement account in the amount incurred or lost by  
643 such individual due to such identity theft within the prior three years in  
644 an amount not to exceed (1) five thousand dollars to reimburse such  
645 individual for reasonable costs, including, but not limited to, time spent

646 and efforts made to resolve or mitigate the effects of such identity theft,  
647 and (2) fifteen thousand dollars for actual losses.

648 [(f)] (i) Before the [commissioner] Commissioner of Consumer  
649 Protection shall issue any order directing payment out of the privacy  
650 protection guaranty and enforcement account to an individual pursuant  
651 to subsections (a) to (g), inclusive, and (j) to (q), inclusive, of this section,  
652 the commissioner shall first notify the person or entity of the  
653 individual's application for an order directing payment out of the  
654 account and of the person or entity's right to a hearing to contest the  
655 disbursement in the event that the person or entity has already paid the  
656 individual. Such notice shall be given to the person or entity not later  
657 than fifteen days after the receipt by the commissioner of the  
658 individual's application for an order directing payment out of said  
659 account. If the person or entity requests a hearing in writing by certified  
660 mail not later than fifteen days after receipt of the notice from the  
661 commissioner, the commissioner shall grant such request and shall  
662 conduct a hearing in accordance with the provisions of chapter 54. If the  
663 commissioner receives no written request by certified mail from the  
664 person or entity for a hearing not later than fifteen days after the  
665 person's or entity's receipt of such notice, the commissioner shall  
666 determine that the individual has not been paid, and the commissioner  
667 shall issue an order directing payment out of said account for the  
668 amount unpaid upon the judgment for actual damages and costs taxed  
669 by the court against the person or entity, exclusive of punitive damages,  
670 or for the amount unpaid upon the order of restitution.

671 [(g)] (j) The [commissioner] Commissioner of Consumer Protection  
672 or the commissioner's designee may proceed against any person or  
673 entity for an order of restitution arising from loss or damages sustained  
674 by any individual by reason of such person's or entity's violation of any  
675 of the provisions of section 42-470, 42-471, as amended by this act, 42-  
676 471a or 42-472b or any regulation adopted pursuant to section 42-472d.  
677 Any such proceeding shall be held in accordance with the provisions of  
678 chapter 54. In the course of such proceeding, the commissioner or the  
679 commissioner's designee shall decide whether to order restitution

680 arising from such loss or damages, and whether to order payment out  
681 of [said] the privacy protection guaranty and enforcement account. The  
682 commissioner or the commissioner's designee may hear complaints of  
683 all individuals submitting claims against a single person or entity in one  
684 proceeding.

685 [(h)] (k) No application for an order directing payment out of [said]  
686 the privacy protection guaranty and enforcement account shall be made  
687 later than three years from the final determination of, or expiration of  
688 time for, appeal in connection with any judgment or order of restitution  
689 or, for an application made pursuant to subsection (g) of this section,  
690 more than three years after the date of the loss or damages.

691 [(i)] (l) Whenever an individual satisfies the [commissioner]  
692 Commissioner of Consumer Protection or the commissioner's designee  
693 that it is not practicable to comply with the requirements of subdivision  
694 (3) of subsection (c) of this section and that the individual has taken all  
695 reasonable steps to collect the amount of the judgment or the unsatisfied  
696 part thereof and has been unable to collect the same, said commissioner  
697 or said designee may, in [his or her] said commissioner's or designee's  
698 discretion, dispense with the necessity for complying with such  
699 requirement.

700 [(j)] (m) In order to preserve the integrity of [said] the privacy  
701 protection guaranty and enforcement account, the [commissioner]  
702 Commissioner of Consumer Protection, in [his or her] the  
703 commissioner's sole discretion, may order payment out of said account  
704 of an amount less than the actual loss or damages incurred by the  
705 individual or less than the order of restitution awarded by the  
706 commissioner or the Superior Court.

707 [(k)] (n) If the money deposited in [said] the privacy protection  
708 guaranty and enforcement account is insufficient to satisfy any duly  
709 authorized claim or portion thereof, the [commissioner] Commissioner  
710 of Consumer Protection shall, when sufficient money has been  
711 deposited in the account, satisfy such unpaid claims or portions thereof,

712 in the order that such claims or portions thereof were originally  
713 determined.

714 [(l) When] (o) Except as provided in subsection (h) of this section,  
715 when the [commissioner] Commissioner of Consumer Protection has  
716 caused any sum to be paid from [said] the privacy protection guaranty  
717 and enforcement account to an individual, the commissioner shall be  
718 subrogated to all of the rights of the individual up to the amount paid  
719 plus reasonable interest, and prior to receipt of any payment from said  
720 account, the individual shall assign all of this right, title and interest in  
721 the claim up to such amount to the commissioner, and any amount and  
722 interest recovered by the commissioner on the claim shall be deposited  
723 in said account.

724 [(m)] (p) If the [commissioner] Commissioner of Consumer  
725 Protection orders the payment of any amount as a result of a claim  
726 against any party, said commissioner shall determine if the person or  
727 entity is possessed of assets liable to be sold or applied in satisfaction of  
728 the claim on [said] the privacy protection guaranty and enforcement  
729 account. If the commissioner discovers any such assets, the Attorney  
730 General shall take any action necessary for the reimbursement of said  
731 account.

732 [(n)] (q) If the [commissioner] Commissioner of Consumer Protection  
733 orders the payment of an amount as a result of a claim against any party,  
734 said commissioner may enter into an agreement with the party whereby  
735 the party agrees to repay [said] the privacy protection guaranty and  
736 enforcement account in full in the form of periodic payments over a set  
737 period of time.

738 Sec. 9. Subsection (a) of section 42-520 of the general statutes is  
739 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
740 *2023*):

741 (a) A controller shall: (1) Limit the collection of personal data to what  
742 is adequate, relevant and reasonably necessary in relation to the  
743 purposes for which such data is processed, as disclosed to the consumer;

744 (2) except as otherwise provided in sections 42-515 to 42-525, inclusive,  
745 not process personal data for purposes that are neither reasonably  
746 necessary to, nor compatible with, the disclosed purposes for which  
747 such personal data is processed, as disclosed to the consumer, unless the  
748 controller obtains the consumer's consent; (3) establish, implement and  
749 maintain reasonable administrative, technical and physical data  
750 security practices to protect the confidentiality, integrity and  
751 accessibility of personal data appropriate to the volume and nature of  
752 the personal data at issue; (4) not process sensitive data concerning a  
753 consumer without obtaining the consumer's consent, or, in the case of  
754 the processing of sensitive data concerning a known child, without  
755 processing such data in accordance with COPPA; (5) not process  
756 personal data in violation of the laws of this state and federal laws that  
757 prohibit unlawful discrimination against consumers; (6) provide an  
758 effective mechanism for a consumer to revoke the consumer's consent  
759 under this section that is at least as easy as the mechanism by which the  
760 consumer provided the consumer's consent and, upon revocation of  
761 such consent, cease to process the data as soon as practicable, but not  
762 later than fifteen days after the receipt of such request; and (7) not  
763 process the personal data of a consumer for purposes of targeted  
764 advertising, or sell the consumer's personal data without the consumer's  
765 consent, under circumstances where a controller has actual knowledge,  
766 [and] or wilfully disregards, that the consumer is at least thirteen years  
767 of age but younger than sixteen years of age. A controller shall not  
768 discriminate against a consumer for exercising any of the consumer  
769 rights contained in sections 42-515 to 42-525, inclusive, including  
770 denying goods or services, charging different prices or rates for goods  
771 or services or providing a different level of quality of goods or services  
772 to the consumer.

773 Sec. 10. Section 53-289a of the general statutes is repealed and the  
774 following is substituted in lieu thereof (*Effective October 1, 2023*):

775 (a) As used in this section, "service charge" means any additional fee  
776 or charge that is designated as an "administrative fee", "service fee",  
777 "surcharge" or by using another substantially similar term.



778       **(b)** No person shall advertise the prices of tickets to any  
779 entertainment event, including, but not limited to, any place of  
780 amusement, arena, stadium, theater, performance, sport, exhibition or  
781 athletic contest given in this state for which a service charge is imposed  
782 for the sale of a ticket at the site of the event, without conspicuously  
783 disclosing in such advertisement, whether displayed at the site of the  
784 event or elsewhere, the total price for each ticket and what portion of  
785 each ticket price, stated in a dollar amount, represents a service charge.

786       **(c)** If a price is charged for admission to a place of entertainment, the  
787 operator of the place of entertainment shall print or endorse on the face  
788 of each ticket to an entertainment event at such place of entertainment  
789 (1) the price established for such ticket, or (2) if such operator, or such  
790 operator's agent, sells or resells such ticket at auction, the final auction  
791 price of such ticket.

792       **(d)** (1) Any person that facilitates the sale or resale of a ticket to an  
793 entertainment event shall (A) disclose the total price of such ticket,  
794 which total price shall include all service charges required to purchase  
795 such ticket, and (B) disclose, in a clear and conspicuous manner, to the  
796 purchaser of such ticket the portion of the total ticket price, expressed  
797 as a dollar amount, that is attributable to service charges charged to such  
798 purchaser for such ticket.

799       **(2)** The disclosures required under subdivision (1) of this subsection  
800 shall be displayed in the ticket listing before the ticket is selected for  
801 purchase. The total ticket price shall not increase during the ticket  
802 purchasing process, except a reasonable fee may be charged for delivery  
803 of a nonelectronic ticket if (A) such fee is based on the delivery method  
804 selected by the ticket purchaser, and (B) such delivery fee is disclosed to  
805 such purchaser before such purchaser purchases such ticket.

806       **(3)** No disclosure required under this subsection shall be (A) false or  
807 misleading, (B) presented more prominently than the total ticket price,  
808 or (C) displayed in a font size that is as large or larger than the font size  
809 in which the total ticket price is displayed.

810 Sec. 11. Section 42-284 of the general statutes is repealed and the  
811 following is substituted in lieu thereof (*Effective October 1, 2023*):

812 As used in this section and sections [42-284] 42-285 to 42-288,  
813 inclusive, as amended by this act:

814 (1) "Automated dialing system or recorded message device" means a  
815 device that (A) automatically dials a telephone number and plays a  
816 recorded message once a connection is made, or (B) makes a connection  
817 to an end user by means of an automated system that is used to dial a  
818 telephone number and transmit a voice communication;

819 ~~[(1)]~~ (2) "Consumer" means an actual or prospective purchaser, lessee  
820 or recipient of goods or services;

821 (3) "Consumer goods or services" means articles or services that are  
822 purchased, leased, exchanged or received primarily for personal, family  
823 or household purposes, and includes, but is not limited to, warranties,  
824 gift cards, stocks, bonds, mutual funds, annuities and other financial  
825 products;

826 (4) "Marketing or sales solicitation" means the initiation of a  
827 communication, including, but not limited to, a communication made  
828 using a telephone call or message, an automated dialing system or  
829 recorded message device, a call using soundboard technology, an over-  
830 the-top message or a text or media message, to encourage the purchase  
831 or rental of, or investment in, property, goods or services that is  
832 transmitted to any consumer residing in this state, but does not include  
833 the initiation of any such communication (A) to any such consumer with  
834 such consumer's prior express written consent, or (B) to any such  
835 consumer in response to a visit made by such consumer to an  
836 establishment selling, leasing or exchanging consumer goods or services  
837 at a fixed location;

838 (5) "Over-the-top message" means a text-based communication on a  
839 platform that uses existing Internet services to deliver messages;

840 [(2)] (6) "Person" means [a natural person] an individual, corporation,  
841 trust, partnership, incorporated or unincorporated association and any  
842 other legal entity; [and]

843 (7) "Prior express written consent" means a written agreement  
844 bearing (A) the signature of a consumer residing in this state whom a  
845 telemarketer or telephone solicitor calls or contacts that clearly and  
846 conspicuously authorizes the telemarketer or telephone solicitor to  
847 deliver, or cause to be delivered, to such consumer advertisements or  
848 telemarketing messages by using a telephone system, an automated  
849 dialing system or recorded message device, a call using soundboard  
850 technology, an over-the-top message or a text or media message, and (B)  
851 the telephone number to which such consumer authorizes such  
852 telemarketer or telephone solicitor to deliver, or cause to be delivered,  
853 such advertisements or telemarketing messages;

854 (8) "Soundboard technology" means a technology that allows an  
855 individual to communicate with a call recipient in real-time by playing  
856 a recorded audio message instead of using the individual's voice;

857 [(3)] (9) "Telemarketer" means any person who initiates the sale, lease  
858 or rental of consumer goods or services, or offers gifts or prizes with the  
859 intent to sell, lease or rent consumer goods by: (A) Telephonic means;  
860 [or] (B) use of television, radio or printed advertisement, postcard or  
861 other written notice with requests that the consumer contact the seller  
862 by telephone to inquire about goods or services and such advertisement,  
863 postcard or notice does not contain the price or a description of the  
864 goods or services; (C) automated dialing system or recorded message  
865 device; (D) soundboard technology; (E) over-the-top message; or (F) text  
866 or media message; [.]

867 (10) "Telephone solicitor" means any individual, association,  
868 corporation, partnership, limited partnership, limited liability company,  
869 nonprofit corporation or other business entity, or a subsidiary or affiliate  
870 thereof, doing business in this state that makes, or causes to be made, a  
871 telephonic sales call;

872       (11) "Telephonic sales call" (A) means a telephone call made to a  
873 consumer residing in this state by or on behalf of a telephone solicitor  
874 regardless of whether such call is made using an automated dialing  
875 system or recorded message device or soundboard technology, or an  
876 over-the-top message or text or media message, for the purpose of (i)  
877 engaging in a marketing or sales solicitation, (ii) soliciting an extension  
878 of credit for consumer goods or services, (iii) obtaining information that  
879 will or may be used for a marketing or sales solicitation or an exchange  
880 or extension of credit for consumer goods or services, (iv) encouraging  
881 such consumer to share any personally identifying information or  
882 purchase or invest in any property, goods, services or other thing of  
883 value if such consumer did not previously express any interest in  
884 sharing such personally identifying information or purchasing or  
885 investing in such property, goods, services or other thing of value, or (v)  
886 soliciting such consumer to donate any money, property, goods,  
887 services or other thing of value if such consumer did not previously  
888 express any interest in donating such money, property, goods, services  
889 or other thing of value, and (B) does not include a telephone call or  
890 message described in subparagraph (A) of this subdivision if such call  
891 is made or message is sent (i) in response to a request or inquiry made  
892 by a consumer residing in this state including a call or message  
893 concerning an item that such consumer purchased from the telephone  
894 solicitor during the twelve-month period preceding such call or  
895 message, (ii) a call made or message sent by a nonprofit organization to  
896 a consumer residing in this state who is on a list of bona fide or active  
897 members of such nonprofit organization, (iii) a call or message that is  
898 limited to polling or soliciting votes or the expression of an idea or  
899 opinion, (iv) a call made or message sent as part of a business-to-  
900 business contact, (v) a call made or message sent to a consumer residing  
901 in this state who granted prior express written consent to receiving such  
902 call or message, (vi) a call made or message sent primarily in connection  
903 with an existing debt or contract, payment or performance of which has  
904 not been completed at the time of such call or message, (vii) a call made  
905 or message sent to an existing customer of a telephone solicitor unless  
906 such customer previously informed the telephone solicitor, orally or in

907 writing, that such customer no longer wishes to receive such calls or  
908 messages from such telephone solicitor, or (viii) a call made or message  
909 sent for a religious, charitable, political or other noncommercial  
910 purpose; and

911 (12) "Text or media message" (A) means a message that consists of  
912 text or any image, sound or other information that is transmitted by or  
913 to a device that is identified as the device that sent or received such text,  
914 image, sound or information by using a ten-digit telephone number or  
915 an N11 service code, (B) includes a short message and multimedia  
916 message service that contains written, audio, video or photographic  
917 content and is sent electronically to a mobile telephone or mobile  
918 electronic device telephone number, and (C) does not include electronic  
919 mail sent to an electronic mail address.

920 Sec. 12. Subsection (b) of section 42-285 of the general statutes is  
921 repealed and the following is substituted in lieu thereof (*Effective October*  
922 *1, 2023*):

923 (b) The contract shall include, but shall not be limited to, the  
924 following information:

925 (1) The telemarketer's legal name, address, [and] telephone number,  
926 [of the telemarketer] headquarters location and home state or country  
927 for entity registration purposes;

928 (2) A list of all prices or fees being charged including any handling,  
929 shipping, delivery or other charges;

930 (3) The date of the transaction;

931 (4) A detailed description of the goods or services being sold, leased  
932 or rented; and

933 (5) In ten-point boldface type, in a space immediately preceding the  
934 space allotted for the consumer's signature, the following statement:  
935 "YOU ARE NOT OBLIGATED TO PAY ANY MONEY UNLESS YOU  
936 SIGN THIS CONTRACT AND RETURN IT TO THE ADDRESS

937 CONTAINED IN THIS CONTRACT".

938 Sec. 13. Section 42-286 of the general statutes is repealed and the  
939 following is substituted in lieu thereof (*Effective October 1, 2023*):

940 (a) A telemarketer shall not accept payment in any form from a  
941 consumer, or make or submit any charge to the consumer's credit card,  
942 charge card or debit card account or electronic payment platform  
943 account, unless the telemarketer has received from the consumer a  
944 contract, signed by the consumer, which complies with section 42-285,  
945 as amended by this act.

946 (b) In the event that the consumer sends payment to the telemarketer,  
947 or the telemarketer makes or submits a charge to the consumer's  
948 account, including, but not limited to, a credit card, charge card or debit  
949 card account or electronic payment platform account, and the  
950 telemarketer has not received a signed contract from the consumer  
951 which complies with section 42-285, as amended by this act, the  
952 telemarketer shall fully refund the consumer's payment or fully credit  
953 the consumer's [credit card] account.

954 Sec. 14. Section 42-288 of the general statutes is repealed and the  
955 following is substituted in lieu thereof (*Effective October 1, 2023*):

956 (a) For the purposes of sections 42-284 to 42-287, inclusive, as  
957 amended by this act, any transaction which occurs between a  
958 telemarketer and a consumer shall be considered to have taken place in  
959 this state if [either] (1) the telemarketer is a resident of, or a business  
960 entity registered with the Secretary of the State to do business in, this  
961 state, or (2) the consumer is [domiciled in] a resident of this state.

962 (b) Violation of any provision of sections 42-284 to 42-287, inclusive,  
963 as amended by this act, shall be an unfair or deceptive act or practice in  
964 violation of subsection (a) of section 42-110b.

965 (c) There shall be a rebuttable presumption that a telephonic sales call  
966 made, a call using an automated dialing system or recorded message

967 device made, an over-the-top message sent, a text or media message sent  
968 or a call using soundboard technology made to a Connecticut area code,  
969 or to a consumer who is a resident of this state, has taken place in this  
970 state.

971 Sec. 15. Section 42-288a of the general statutes is repealed and the  
972 following is substituted in lieu thereof (*Effective October 1, 2023*):

973 (a) As used in this section and section 42-288b:

974 (1) "Automated dialing system or recorded message device" has the  
975 same meaning as provided in section 42-284, as amended by this act;

976 (2) "Caller identification service or device" means any telephone  
977 service or device which permits a consumer to see the telephone  
978 number, caller name or location of an incoming telephonic sales call;

979 [(1)] (3) "Commissioner" means the Commissioner of Consumer  
980 Protection;

981 [(2)] (4) "Consumer" means any individual who is a resident of this  
982 state and a prospective recipient of consumer goods or services;

983 [(3)] (5) "Consumer goods or services" [means any article or service  
984 that is purchased, leased, exchanged or received primarily for personal,  
985 family or household purposes, and includes, but is not limited to, stocks,  
986 bonds, mutual funds, annuities and other financial products] has the  
987 same meaning as provided in section 42-284, as amended by this act;

988 [(4)] (6) "Department" means the Department of Consumer  
989 Protection;

990 [(5)] (7) "Doing business in this state" [means] includes, but is not  
991 limited to, conducting telephonic sales calls or making calls using an  
992 automated dialing system or recorded message device or soundboard  
993 technology, or sending over-the-top messages or text or media  
994 messages, (A) from a location in this state, or (B) from a location outside  
995 of this state to consumers residing in this state;

996       (8) "Marketing or sales solicitation" has the same meaning as  
997 provided in section 42-284, as amended by this act;

998       (9) "Over-the-top message" has the same meaning as provided in  
999 section 42-284, as amended by this act;

1000       ~~[(6)]~~ (10) "Prior express written consent" [has the meaning provided  
1001 in 47 CFR 64.1200, as amended from time to time] has the same meaning  
1002 as provided in section 42-284, as amended by this act;

1003       ~~[(7) "Marketing or sales solicitation" means the initiation of a~~  
1004 ~~telephone call or message, including, but not limited to, a text or media~~  
1005 ~~message, to encourage the purchase or rental of, or investment in,~~  
1006 ~~property, goods or services, that is transmitted to any consumer, but~~  
1007 ~~does not include a telephone call or message, including, but not limited~~  
1008 ~~to, a text or media message (A) to any consumer with such consumer's~~  
1009 ~~prior express written consent, (B) by a tax-exempt nonprofit~~  
1010 ~~organization, or (C) to a consumer in response to a visit made by such~~  
1011 ~~consumer to an establishment selling, leasing or exchanging consumer~~  
1012 ~~goods or services at a fixed location;]~~

1013       (11) "Soundboard technology" has the same meaning as provided in  
1014 section 42-284, as amended by this act;

1015       (12) "Telemarketer" has the same meaning as provided in section 42-  
1016 284, as amended by this act;

1017       ~~[(8)]~~ (13) "Telephonic sales call" [means a telephone call made by a  
1018 telephone solicitor, or a text or media message sent by or on behalf of a  
1019 telephone solicitor, to a consumer for the purpose of (A) engaging in a  
1020 marketing or sales solicitation, (B) soliciting an extension of credit for  
1021 consumer goods or services, or (C) obtaining information that will or  
1022 may be used for marketing or sales solicitation or exchange of or  
1023 extension of credit for consumer goods or services] has the same  
1024 meaning as provided in section 42-284, as amended by this act;

1025       ~~[(9)]~~ (14) "Telephone solicitor" [means any individual, association,



1026 corporation, partnership, limited partnership, limited liability company  
1027 or other business entity, or a subsidiary or affiliate thereof, doing  
1028 business in this state that makes or causes to be made a telephonic sales  
1029 call, including, but not limited to, sending or causing to be sent a text or  
1030 media message to a consumer's mobile telephone or mobile electronic  
1031 device;] has the same meaning as provided in section 42-284, as  
1032 amended by this act; and

1033 [(10)] (15) "Text or media message" [means a message that contains  
1034 written, audio, video or photographic content and is sent electronically  
1035 to a mobile telephone or mobile electronic device telephone number, but  
1036 does not include electronic mail sent to an electronic mail address;] has  
1037 the same meaning as provided in section 42-284, as amended by this act.

1038 [(11) "Unsolicited telephonic sales call" means any telephonic sales  
1039 call other than a telephonic sales call made: (A) Pursuant to the prior  
1040 express written consent of the consumer who is called or sent a text or  
1041 media message; (B) primarily in connection with an existing debt or  
1042 contract, payment or performance of which has not been completed at  
1043 the time of the telephonic sales call; or (C) to an existing customer, unless  
1044 such customer has stated to the telephone solicitor that such customer  
1045 no longer wishes to receive the telephonic sales calls of such telephone  
1046 solicitor; and

1047 (12) "Caller identification service or device" means any telephone  
1048 service or device which permits a consumer to see the telephone number  
1049 of incoming telephone calls or text or media messages.]

1050 (b) The department shall establish and maintain a "no sales  
1051 solicitation calls" listing of consumers who do not wish to receive  
1052 [unsolicited] telephonic sales calls. The department may contract with a  
1053 private vendor to establish and maintain such listing, provided (1) the  
1054 private vendor has maintained national "no sales solicitation calls"  
1055 listings for more than two years, and (2) the contract requires the vendor  
1056 to provide the "no sales solicitation calls" listing in a printed hard copy  
1057 format and in any other format offered at a cost that does not exceed the

1058 production cost of the format offered. The department shall provide  
1059 notice to consumers of the establishment of a "no sales solicitation calls"  
1060 listing. Any consumer who wishes to be included on such listing shall  
1061 notify the department by calling a toll-free number provided by the  
1062 department, or in any other such manner and at such times as the  
1063 commissioner may prescribe. A consumer on such listing shall be  
1064 deleted from such listing upon the consumer's written request. The  
1065 department shall update such listing not less than quarterly and shall  
1066 make such listing available to telephone solicitors and other persons  
1067 upon request.

1068 (c) No telemarketer or telephone solicitor may make or cause to be  
1069 made any [unsolicited] telephonic sales call to any consumer residential,  
1070 mobile or telephonic paging device telephone number (1) if the  
1071 consumer's name and telephone number or numbers appear on the  
1072 [then current quarterly "no sales solicitation calls" listing made available  
1073 by the department under] National Do Not Call Registry maintained by  
1074 the Federal Trade Commission pursuant to 15 USC 6102(a), as amended  
1075 from time to time, that establishes a national database listing the  
1076 telephone numbers of subscribers who do not wish to receive telephone  
1077 solicitations, which number or numbers the department shall include in  
1078 the listing established and maintained, and made available, pursuant to  
1079 subsection (b) of this section. [, unless (A) such call was made by a  
1080 telephone solicitor that first began doing business in this state on or after  
1081 January 1, 2000, (B) a period of less than one year has passed since such  
1082 telephone solicitor first began doing business in this state, and (C) the  
1083 consumer to whom such call was made had not on a previous occasion  
1084 stated to such telephone solicitor that such consumer no longer wishes  
1085 to receive the telephonic sales calls of such telephone solicitor, (2) for  
1086 telephone calls, to be received between the hours of nine o'clock p.m.  
1087 and nine o'clock a.m., local time, at the consumer's location or, for text  
1088 or media messages, to be received on the consumer's mobile telephone  
1089 or mobile electronic device at any time, (3) in the form of electronically  
1090 transmitted facsimiles, or (4) by use of a recorded message device.]

1091 (d) Telephonic sales calls made to any consumer residential, mobile

1092 or telephonic paging device telephone number not otherwise prohibited  
1093 by this section shall be limited to, and conducted within, the hours of  
1094 nine o'clock a.m. and eight o'clock p.m. local time.

1095 (e) Any person making a telephonic sales call to a consumer's  
1096 residential, mobile or telephonic paging device telephone number that  
1097 is not otherwise prohibited by this section shall disclose such person's  
1098 identity, the purpose of such telephonic sales call and the identity of the  
1099 entity for which such person is making such telephonic sales call, if any,  
1100 not later than ten seconds after such telephonic sales call begins.

1101 (f) If a telephone solicitor makes a telephonic sales call to a consumer  
1102 and requests that the consumer donate or gift money or anything of  
1103 value, the telephone solicitor shall, at the beginning of such telephonic  
1104 sales call, ask such consumer whether such consumer wishes to  
1105 continue such telephonic sales call, end such telephonic sales call or be  
1106 removed from such telephone solicitor's list.

1107 (g) A telephone solicitor shall end a telephonic sales call not later than  
1108 ten seconds after a consumer states or otherwise indicates that the  
1109 consumer wishes to end such telephonic sales call.

1110 (h) If a consumer informs a telephone solicitor, at any point during a  
1111 telephonic sales call, that the consumer does not wish to receive future  
1112 telephonic sales calls from the telephone solicitor, or wishes such  
1113 telephone solicitor to remove such consumer's name, telephone number  
1114 or other contact information from such telephone solicitor's list, such  
1115 telephone solicitor shall: (1) Inform such consumer that such consumer's  
1116 contact information will be removed from such telephone solicitor's list  
1117 for at least one full year; (2) end such telephonic sales call not later than  
1118 ten seconds after such consumer expresses such wish; (3) refrain from  
1119 making any additional telephonic sales calls to such consumer at any  
1120 telephone number associated with such consumer for at least one full  
1121 year; and (4) not give or sell such consumer's name, telephone number  
1122 or other contact information to any other entity, or receive anything of  
1123 value from any other entity in exchange for such consumer's name,

1124 telephone number or other contact information.

1125 [(d)] (i) No telemarketer or telephone solicitor may [intentionally]  
1126 cause to be installed or [may intentionally] use any blocking device or  
1127 service to circumvent a consumer's use of a caller identification service  
1128 or device. No telephone solicitor may intentionally transmit inaccurate  
1129 or misleading caller identification information.

1130 [(e)] (j) (1) Any person who obtains the name, residential address or  
1131 telephone number of any consumer from published telephone  
1132 directories or from any other source and republishes or compiles such  
1133 information, electronically or otherwise, and sells or offers to sell such  
1134 publication or compilation to telephone solicitors for marketing or sales  
1135 solicitation purposes, shall exclude from any such publication or  
1136 compilation, and from the database used to prepare such publication or  
1137 compilation, the name, address and telephone number or numbers of  
1138 any consumer if the consumer's name and telephone number or  
1139 numbers appear [in the then current quarterly "no sales solicitation  
1140 calls" listing made available by the department under subsection (b) of  
1141 this section] on the National Do Not Call Registry maintained by the  
1142 Federal Trade Commission pursuant to 15 USC 6102(a), 16 CFR Part 310  
1143 and 47 CFR 64.1200, as amended from time to time, that establishes a  
1144 national database listing the telephone numbers of subscribers who do  
1145 not wish to receive telephone solicitations.

1146 (2) This subsection does not apply to (A) any telephone company, as  
1147 defined in section 16-1, for the sole purpose of compiling, publishing or  
1148 distributing telephone directories or causing the compilation,  
1149 publication or distribution of telephone directories or providing  
1150 directory assistance, and (B) any person, for the sole purpose of  
1151 compiling, publishing or distributing telephone directories for such  
1152 telephone company pursuant to an agreement or other arrangement  
1153 with such telephone company.

1154 [(f)] (k) The commissioner may adopt regulations, in accordance with  
1155 chapter 54, to carry out the provisions of this section. Such regulations

1156 may include, but shall not be limited to, provisions governing the  
1157 availability and distribution of the listing established under subsection  
1158 (b) of this section and notice requirements for consumers wishing to be  
1159 included on the listing established under subsection (b) of this section  
1160 consistent with information on the National Do Not Call Registry  
1161 maintained by the Federal Trade Commission pursuant to 15 USC  
1162 6102(a), 16 CFR Part 310 and 47 CFR 64.1200, as amended from time to  
1163 time.

1164 [(g)] (l) A violation of any of the provisions of this section shall be  
1165 deemed an unfair or deceptive trade practice under subsection (a) of  
1166 section 42-110b, [ except that no telephone solicitor may be liable under  
1167 this section for a call made in violation of subdivision (1) of subsection  
1168 (c) of this section if such telephone solicitor demonstrates that: (1) Such  
1169 telephone solicitor established and implemented written procedures  
1170 and trained its employees to follow such procedures to comply with  
1171 subdivision (1) of subsection (c) of this section; (2) such telephone  
1172 solicitor deleted from its call list any listing of a consumer on the then  
1173 current quarterly "no sales solicitation calls" listing maintained pursuant  
1174 to subsection (b) of this section; and (3) such call was made  
1175 inadvertently.]

1176 [(h)] (m) No telemarketer or telephone solicitor may make, or cause  
1177 to be made, [an unsolicited, automatically dialed, recorded] a telephonic  
1178 sales call to a consumer without such consumer's prior express written  
1179 consent.

1180 [(i) In addition to the requirements of subsections (b) to (h), inclusive,  
1181 of this section, if a consumer's mobile telephone or mobile electronic  
1182 device telephone number does not appear on the then current quarterly  
1183 "no sales solicitation calls" listing made available by the department  
1184 under subsection (b) of this section, no telephone solicitor may send or  
1185 cause to be sent a text or media message to such number for the purpose  
1186 of marketing or sales solicitation of consumer goods, unless such  
1187 telephone solicitor has received the prior express written consent of the  
1188 consumer to receive such text or media message.]

1189 (n) In addition to the requirements established in subsections (b) to  
 1190 (m), inclusive, of this section, if a consumer's mobile telephone or mobile  
 1191 electronic device telephone number does not appear on the then current  
 1192 quarterly "no sales solicitation calls" listing made available by the  
 1193 department pursuant to subsection (b) of this section, no telephone  
 1194 solicitor may send, or cause to be sent, a call using soundboard  
 1195 technology, an over-the-top message or a text or media message to such  
 1196 number for the purpose of marketing, selling or soliciting sales of  
 1197 consumer goods unless the telephone solicitor received express written  
 1198 consent from the consumer to receive such call using soundboard  
 1199 technology, over-the-top message or text or media message before such  
 1200 telephone solicitor made such call or sent such message or caused such  
 1201 call to be made or message to be sent.

1202 ~~[(j)]~~ (o) Notwithstanding the provisions of subsections (c) and ~~[(i)]~~ (j)  
 1203 of this section, a telecommunications company, as defined in section 16-  
 1204 1, may send ~~[a]~~ an over-the-top message or text or media message to an  
 1205 existing customer, provided ~~[:]~~ (1) ~~[Such]~~ such telecommunications  
 1206 company does not charge the customer a fee for such over-the-top  
 1207 message or text or media message, and (2) such over-the-top message or  
 1208 text or media message is primarily in connection with (A) an existing  
 1209 debt, payment of which has not been completed at the time the over-  
 1210 the-top message or text or media message is sent, (B) an existing contract  
 1211 between the telecommunications company and the customer, (C) a  
 1212 wireless emergency alert authorized by federal law, or (D) a prior  
 1213 request for customer service that was initiated by the customer.

1214 ~~[(k)]~~ (p) In addition to any penalty imposed under chapter 735a, any  
 1215 telephone solicitor, who is liable under the provisions of subsections  
 1216 ~~[(g)]~~ (b) to [(i)] (n), inclusive, of this section, shall be fined not more than  
 1217 twenty thousand dollars for each violation.

1218 Sec. 16. (NEW) (*Effective October 1, 2023*) (a) As used in this section:

1219 (1) "Automated dialing system or recorded message device" has the  
 1220 same meaning as provided in section 42-284 of the general statutes, as

1221 amended by this act;

1222 (2) "Commercial solicitation" (A) means the unsought initiation of a  
1223 telephone conversation or voice communication for the purpose of (i)  
1224 encouraging a consumer to purchase property, goods or services, or (ii)  
1225 obtaining personal information or any other thing of value, and (B) does  
1226 not include (i) an unsought telephone conversation or voice  
1227 communication with a consumer who provides advance (I) written  
1228 nonassignable consent to such conversation or communication, or (II)  
1229 electronic nonassignable consent to such conversation or  
1230 communication if the consumer has been provided a clear, conspicuous,  
1231 detailed disclosure concerning the scope of such consent before such  
1232 consumer provides such consent and if such consent only applies to  
1233 conversations or communications initiated by the person seeking such  
1234 consent, or (ii) any portion of an unsought voice communication that  
1235 involves a live conversation between the voice communication recipient  
1236 and a person with whom such recipient has an established business  
1237 relationship;

1238 (3) "Consumer" has the same meaning as provided in section 42-288a  
1239 of the general statutes, as amended by this act;

1240 (4) "Established business relationship" means an existing relationship  
1241 that is formed by a voluntary two-way communication between a  
1242 consumer or entity and a business, with or without an exchange of  
1243 consideration, on the basis of an application, purchase or transaction  
1244 regarding property, goods or services offered by the business or entity,  
1245 which relationship has not been previously terminated by either party;

1246 (5) "Over-the-top message" has the same meaning as provided in  
1247 section 42-284 of the general statutes, as amended by this act;

1248 (6) "Person" has the same meaning as provided in section 42-284 of  
1249 the general statutes, as amended by this act;

1250 (7) "Personal information" has the same meaning as provided in  
1251 section 36a-701b of the general statutes, as amended by this act;

1252 (8) "Soundboard technology" has the same meaning as provided in  
1253 section 42-284 of the general statutes, as amended by this act;

1254 (9) "Telephonic sales call" has the same meaning as provided in  
1255 section 42-284 of the general statutes, as amended by this act;

1256 (10) "Terminating provider" means a telecommunications provider  
1257 upon whose network a voice communication terminates to a call  
1258 recipient or end user;

1259 (11) "Text or media message" has the same meaning as provided in  
1260 section 42-284 of the general statutes, as amended by this act; and

1261 (12) "Voice communication" (A) means a communication that is made  
1262 by an individual or, in whole or in part, by using an artificial or  
1263 prerecorded message, (B) includes, but is not limited to, a voice message  
1264 transmitted directly to a recipient's voicemail regardless of whether the  
1265 recipient's phone rings as part of the transmission, and (C) does not  
1266 include an automated warning required by law.

1267 (b) (1) Except as provided in subdivision (2) of this subsection, no  
1268 person shall:

1269 (A) Initiate a commercial solicitation or telephonic sales call by using  
1270 an automated dialing system or recorded message device, technology to  
1271 send an over-the-top message or text or media message, or by using  
1272 soundboard technology to contact (i) a telephone number with a  
1273 Connecticut area code, or (ii) a telephone registered to a resident of this  
1274 state whose telephone number appears on the National Do Not Call  
1275 Registry maintained by the Federal Trade Commission pursuant to 15  
1276 USC 6102(a), as amended from time to time; or

1277 (B) Provide substantial assistance or support to the initiator of a  
1278 commercial solicitation or telephonic sales call that enables the initiator  
1279 to initiate, originate or transmit a commercial solicitation or telephonic  
1280 sales call if such person knows, or avoids knowing, that such initiator is  
1281 engaged, or intends to engage, in fraud or any practice that violates any



1282 provision of this section or sections 42-284 to 42-288c, inclusive, of the  
1283 general statutes, as amended by this act.

1284 (2) No provision of subdivision (1) of this subsection shall be  
1285 construed to prohibit:

1286 (A) Any person from designing, manufacturing or distributing any  
1287 component, product or technology that has a commercially significant  
1288 use other than circumventing or violating the provisions of this section;

1289 (B) Any telecommunications provider or other entity from providing  
1290 access to the Internet for the purpose of excluding initiation of a voice  
1291 communication or text message; or

1292 (C) Any terminating provider from taking any action concerning  
1293 completion of a voice communication.

1294 (c) There shall be a rebuttable presumption that a commercial  
1295 solicitation, voice communication or telephonic sales call made by using  
1296 an automated dialing system or recorded message device, or technology  
1297 that sends an over-the-top message or a text or media message, to any  
1298 telephone number with a Connecticut area code or to a consumer has  
1299 taken place in this state.

1300 (d) A violation of this section shall be deemed an unfair or deceptive  
1301 trade practice under subsection (a) of section 42-110b of the general  
1302 statutes. In addition to any penalty imposed under chapter 735a of the  
1303 general statutes, any person who violates any provision of this section  
1304 shall be fined not more than twenty thousand dollars for each such  
1305 violation.

1306 Sec. 17. Subsections (c) to (k), inclusive, of section 21a-190f of the  
1307 general statutes are repealed and the following is substituted in lieu  
1308 thereof (*Effective from passage*):

1309 (c) [No] Not less than [twenty days] one business day prior to the  
1310 commencement of each solicitation campaign, a paid solicitor shall file  
1311 with the department a copy of the contract described in subsection (d)

1312 of this section and shall complete a solicitation notice in a form  
1313 prescribed by the commissioner. A solicitation notice shall be certified  
1314 by the paid solicitor as true and correct to the best of the solicitor's  
1315 knowledge and shall include a description of the solicitation event or  
1316 campaign, the location and telephone number from which the  
1317 solicitation is to be conducted, the names and residence addresses of all  
1318 employees, agents or other persons however styled who are to solicit  
1319 during such campaign and the account number and location of all bank  
1320 accounts where receipts from such campaign are to be deposited.  
1321 [Copies of campaign solicitation literature, including the text of any  
1322 solicitation to be made orally, shall be submitted to the department.] The  
1323 charitable organization on whose behalf the paid solicitor is acting shall  
1324 certify that the solicitation notice and accompanying material are true  
1325 and complete. [Prior to the commencement of such solicitation  
1326 campaign, the commissioner shall publicize such solicitation by posting  
1327 on the department's web site information describing the terms of the  
1328 contract between the paid solicitor and the charitable organization, the  
1329 dates of such solicitation campaign and the percentage of the raised  
1330 funds to be retained by the paid solicitor. The commissioner may  
1331 publicize such solicitation through any additional means the  
1332 commissioner deems appropriate.]

1333 (d) A contract between a paid solicitor and a charitable organization  
1334 shall be in writing, shall clearly state the respective obligations of the  
1335 paid solicitor and the charitable organization and shall state the  
1336 minimum amount that the charitable organization shall receive as a  
1337 result of the solicitation campaign, which minimum amount shall be  
1338 stated as a percentage of the gross revenue. Such minimum amount  
1339 shall not include any amount that the charitable organization is to pay  
1340 as expenses of the solicitation campaign.

1341 (e) A paid solicitor shall, prior to orally requesting a contribution, and  
1342 at the same time at which a written request for a contribution is made,  
1343 clearly and conspicuously disclose at the point of solicitation such  
1344 solicitor's name as on file with the department [,] and the fact that such  
1345 solicitor is a paid solicitor. [and the percentage of the gross revenue

1346 which the charitable organization shall receive as identified in  
1347 subsection (d) of this section.]

1348 (f) A paid solicitor shall, in the case of a solicitation campaign  
1349 conducted orally, whether by telephone or otherwise, send a written  
1350 confirmation to each person who has pledged to contribute, no more  
1351 than five days after such person has been solicited, which confirmation  
1352 shall include a clear and conspicuous disclosure of the information  
1353 required by subsection (e) of this section.

1354 (g) A paid solicitor shall not represent that any part of the  
1355 contributions received will be given or donated to any charitable  
1356 organization unless such organization has consented in writing to the  
1357 use of its name, prior to the solicitation. Such written consent, if given,  
1358 shall be signed by two authorized officers, directors or trustees of the  
1359 charitable organization.

1360 (h) No paid solicitor may represent that tickets to an event are to be  
1361 donated for use by another, unless the paid solicitor has first obtained a  
1362 commitment, in writing, from a charitable organization stating that it  
1363 will accept donated tickets and specifying the number of tickets which  
1364 it is willing to accept and provided no more contributions for donated  
1365 tickets shall be solicited than the number of ticket commitments  
1366 received from the charitable organization.

1367 (i) A paid solicitor shall require any person such solicitor directly or  
1368 indirectly employs, procures or engages to solicit to comply with the  
1369 provisions of subsections (e) to (h), inclusive, of this section.

1370 (j) A paid solicitor shall file a financial report for the campaign with  
1371 the department no more than ninety days after a solicitation campaign  
1372 has been completed, and on the anniversary of the commencement of  
1373 any solicitation campaign which lasts more than one year, in a form  
1374 prescribed by the commissioner. The financial report shall include gross  
1375 revenue and an itemization of all expenditures incurred. The report  
1376 shall be completed on a form prescribed by the department. An  
1377 authorized official of the paid solicitor and two authorized officials of

1378 the charitable organization shall certify that such report is true and  
1379 complete to the best of their knowledge. The information contained in  
1380 such report shall be available to the public.

1381 (k) A paid solicitor shall maintain during each solicitation campaign  
1382 and for not less than three years after the completion of each such  
1383 campaign the following records: [ which shall be available to the  
1384 department for inspection upon request:] (1) The name and address of  
1385 each contributor, if known to the paid solicitor, and the date and amount  
1386 of the contribution; [ provided the department shall not disclose this  
1387 information except to the extent necessary for investigative or law  
1388 enforcement purposes:] (2) the name and residence of each employee,  
1389 agent or other person involved in the solicitation; and (3) records of all  
1390 income received and expenses incurred in the course of the solicitation  
1391 campaign. The paid solicitor shall make the records required under  
1392 subdivisions (2) and (3) of this subsection, as well as records containing  
1393 the dates and amounts described in subdivision (1) of this subsection,  
1394 available to the department for inspection upon request.

1395 Sec. 18. Subsection (b) of section 21a-190c of the general statutes is  
1396 repealed and the following is substituted in lieu thereof (*Effective from*  
1397 *passage*):

1398 (b) A charitable organization shall include with the charitable  
1399 organization's financial statement (1) an audit report of a certified public  
1400 accountant if the charitable organization had gross revenue in excess of  
1401 [five hundred thousand] one million dollars in the year covered by [the]  
1402 such report, [shall include with its financial statement an audit report of  
1403 a certified public accountant] or (2) an audit or review report of a  
1404 certified public accountant if the charitable organization had gross  
1405 revenue in excess of five hundred thousand dollars but not more than  
1406 one million dollars in the year covered by such report. For purposes of  
1407 this section, gross revenue shall not include grants or fees from  
1408 government agencies or the revenue derived from funds held in trust  
1409 for the benefit of the organization. The commissioner may, upon written  
1410 request and for good cause shown, waive the audit or review report

1411 requirement under this subsection.

1412       Sec. 19. Subsection (a) of section 21a-190b of the general statutes is  
 1413 repealed and the following is substituted in lieu thereof (*Effective from*  
 1414 *passage*):

1415       (a) Every charitable organization not exempted by section 21a-190d  
 1416 shall annually register with the department prior to conducting any  
 1417 solicitation or prior to having any solicitation conducted on its behalf by  
 1418 others. Application for registration shall be in a form prescribed by the  
 1419 commissioner and shall include a nonrefundable application fee of fifty  
 1420 dollars. Such application shall include: (1) A registration statement, (2)  
 1421 an annual financial report for such organization for the preceding fiscal  
 1422 year that is prepared in accordance with the provisions of subsection (a)  
 1423 of section 21a-190c, as amended by this act, and (3) an audited or  
 1424 reviewed financial statement as required by subsection (b) of section  
 1425 21a-190c, as amended by this act. An authorized officer of the  
 1426 organization shall certify that the statements therein are true and correct  
 1427 to the best of their knowledge. A chapter, branch or affiliate in this state  
 1428 of a registered parent organization shall not be required to register  
 1429 provided the parent organization files a consolidated annual  
 1430 registration for itself and its chapter, branch or affiliate. Each charitable  
 1431 organization shall annually renew its registration not later than eleven  
 1432 months after the end of such organization's fiscal year.

1433       Sec. 20. Section 42-288c of the general statutes is repealed. (*Effective*  
 1434 *October 1, 2023*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	42-230
Sec. 2	<i>July 1, 2023</i>	51-164n(b)
Sec. 3	<i>from passage</i>	42-110d(c) to (f)
Sec. 4	<i>July 1, 2023</i>	35-42(c)
Sec. 5	<i>July 1, 2023</i>	4-61dd(d)
Sec. 6	<i>October 1, 2023</i>	36a-701b
Sec. 7	<i>July 1, 2023</i>	42-471(d) to (h)

Sec. 8	<i>October 1, 2023</i>	42-472a
Sec. 9	<i>July 1, 2023</i>	42-520(a)
Sec. 10	<i>October 1, 2023</i>	53-289a
Sec. 11	<i>October 1, 2023</i>	42-284
Sec. 12	<i>October 1, 2023</i>	42-285(b)
Sec. 13	<i>October 1, 2023</i>	42-286
Sec. 14	<i>October 1, 2023</i>	42-288
Sec. 15	<i>October 1, 2023</i>	42-288a
Sec. 16	<i>October 1, 2023</i>	New section
Sec. 17	<i>from passage</i>	21a-190f(c) to (k)
Sec. 18	<i>from passage</i>	21a-190c(b)
Sec. 19	<i>from passage</i>	21a-190b(a)
Sec. 20	<i>October 1, 2023</i>	Repealer section

**Statement of Purpose:**

To: (1) Implement the Attorney General's recommendations concerning (A) price gouging, (B) disclosure of certain records during the pendency of an investigation, (C) erasure, in lieu of return, of certain electronic materials upon completion of an investigation, (D) disclosure of precise geolocation data, (E) the privacy protection guaranty and enforcement account, (F) identity theft, (G) personal data privacy, (H) ticketing for entertainment events, (I) telemarketing, and (J) charitable solicitation campaigns; and (2) enable certain charitable organizations to include with their annual financial statements a review report in lieu of an audit report.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*