



General Assembly

Amendment

February Session, 2024

LCO No. 4797



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
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To: Senate Bill No. 4

File No. 522

Cal. No. 310

"AN ACT CONCERNING VICTIMS OF DOMESTIC VIOLENCE, THE UNSOLICITED TRANSMISSION OF INTIMATE IMAGES BY MEANS OF AN ELECTRONIC COMMUNICATION DEVICE AND THE IMPERMISSIBLE USE OF NONDISCLOSURE AGREEMENTS IN THE WORKPLACE."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (c) of section 46b-15f of the 2024 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2024*):

6 (c) (1) The organization administering the program may only award
7 a grant [(1)] (A) to provide services in the judicial districts of Bridgeport,
8 Hartford, New Haven, Stamford-Norwalk or Waterbury, and [(2)] (B) in
9 an amount not to exceed two hundred thousand dollars, except that a
10 grant to provide services in the judicial district with the highest average

11 number of applications for restraining orders under section 46b-15 over
12 the previous three fiscal years may receive a grant of not more than four
13 hundred thousand dollars. Grants may not be used to provide services
14 to individuals who are not indigent.

15 (2) On and after July 1, 2025, the organization administering the
16 program may award a grant to provide services in the judicial districts
17 of Danbury, Litchfield and Middlesex in accordance with the provisions
18 of subdivision (1) of this subsection.

19 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) As used in this section:

20 (1) "Electronic communication device" has the same meaning as
21 provided in section 53a-196h of the general statutes; and

22 (2) "Intimate image" means a photograph, film, video, recording,
23 digital picture or other similar visual photographic reproduction of a
24 person eighteen years of age or older who is in a state of undress so as
25 to expose such person's genitals.

26 (b) Any person, eighteen years of age or older, who knowingly
27 transmits an intimate image by means of an electronic communication
28 device to the electronic communication device of another person,
29 eighteen years of age or older, when such other person has not
30 consented to the receipt of such material on their electronic
31 communication device or has withdrawn consent to the receipt of such
32 material on their electronic communication device, shall be liable in a
33 civil action to the recipient of the intimate image for actual damages or
34 five hundred dollars, whichever is greater, in addition to reasonable
35 attorneys' fees and costs. The court may also award punitive damages
36 or enjoin the person transmitting the intimate images in violation of this
37 section from engaging in further acts constituting a violation of this
38 section. The remedies provided by this section are cumulative and shall
39 not be construed as restricting any other remedy that is available under
40 any other law.

41 (c) The provisions of this section shall not apply to (1) a health care

42 provider who transmits an intimate image for a legitimate medical
43 purpose; or (2) the transmission of commercial electronic mail, which is
44 otherwise subject to the provisions of 15 USC 7701 to 7713, inclusive, as
45 amended from time to time, and 16 CFR 316.

46 Sec. 3. Section 46a-60 of the general statutes is repealed and the
47 following is substituted in lieu thereof (*Effective October 1, 2024*):

48 (a) As used in this section:

49 (1) "Pregnancy" means pregnancy, childbirth or a related condition,
50 including, but not limited to, lactation;

51 (2) "Reasonable accommodation" means, but is not limited to, being
52 permitted to sit while working, more frequent or longer breaks, periodic
53 rest, assistance with manual labor, job restructuring, light duty
54 assignments, modified work schedules, temporary transfers to less
55 strenuous or hazardous work, time off to recover from childbirth or
56 break time and appropriate facilities for expressing breast milk; and

57 (3) "Undue hardship" means an action requiring significant difficulty
58 or expense when considered in light of factors such as (A) the nature
59 and cost of the accommodation; (B) the overall financial resources of the
60 employer; (C) the overall size of the business of the employer with
61 respect to the number of employees, and the number, type and location
62 of its facilities; and (D) the effect on expenses and resources or the
63 impact otherwise of such accommodation upon the operation of the
64 employer.

65 (b) It shall be a discriminatory practice in violation of this section:

66 (1) For an employer, by the employer or the employer's agent, except
67 in the case of a bona fide occupational qualification or need, to refuse to
68 hire or employ or to bar or to discharge from employment any
69 individual or to discriminate against any individual in compensation or
70 in terms, conditions or privileges of employment because of the
71 individual's race, color, religious creed, age, sex, gender identity or

72 expression, marital status, national origin, ancestry, present or past
73 history of mental disability, intellectual disability, learning disability,
74 physical disability, including, but not limited to, blindness, status as a
75 veteran or status as a victim of domestic violence;

76 (2) For any employment agency, except in the case of a bona fide
77 occupational qualification or need, to fail or refuse to classify properly
78 or refer for employment or otherwise to discriminate against any
79 individual because of such individual's race, color, religious creed, age,
80 sex, gender identity or expression, marital status, national origin,
81 ancestry, present or past history of mental disability, intellectual
82 disability, learning disability, physical disability, including, but not
83 limited to, blindness, status as a veteran or status as a victim of domestic
84 violence;

85 (3) For a labor organization, because of the race, color, religious creed,
86 age, sex, gender identity or expression, marital status, national origin,
87 ancestry, present or past history of mental disability, intellectual
88 disability, learning disability, physical disability, including, but not
89 limited to, blindness, status as a veteran or status as a victim of domestic
90 violence of any individual to exclude from full membership rights or to
91 expel from its membership such individual or to discriminate in any
92 way against any of its members or against any employer or any
93 individual employed by an employer, unless such action is based on a
94 bona fide occupational qualification;

95 (4) For any person, employer, labor organization or employment
96 agency to discharge, expel or otherwise discriminate against any person
97 because such person has opposed any discriminatory employment
98 practice or because such person has filed a complaint or testified or
99 assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

100 (5) For any person, whether an employer or an employee or not, to
101 aid, abet, incite, compel or coerce the doing of any act declared to be a
102 discriminatory employment practice or to attempt to do so;

103 (6) For any person, employer, employment agency or labor

104 organization, except in the case of a bona fide occupational qualification
105 or need, to advertise employment opportunities in such a manner as to
106 restrict such employment so as to discriminate against individuals
107 because of their race, color, religious creed, age, sex, gender identity or
108 expression, marital status, national origin, ancestry, present or past
109 history of mental disability, intellectual disability, learning disability,
110 physical disability, including, but not limited to, blindness, status as a
111 veteran or status as a victim of domestic violence;

112 (7) For an employer, by the employer or the employer's agent: (A) To
113 terminate a woman's employment because of her pregnancy; (B) to
114 refuse to grant to that employee a reasonable leave of absence for
115 disability resulting from her pregnancy; (C) to deny to that employee,
116 who is disabled as a result of pregnancy, any compensation to which
117 she is entitled as a result of the accumulation of disability or leave
118 benefits accrued pursuant to plans maintained by the employer; (D) to
119 fail or refuse to reinstate the employee to her original job or to an
120 equivalent position with equivalent pay and accumulated seniority,
121 retirement, fringe benefits and other service credits upon her signifying
122 her intent to return unless, in the case of a private employer, the
123 employer's circumstances have so changed as to make it impossible or
124 unreasonable to do so; (E) to limit, segregate or classify the employee in
125 a way that would deprive her of employment opportunities due to her
126 pregnancy; (F) to discriminate against an employee or person seeking
127 employment on the basis of her pregnancy in the terms or conditions of
128 her employment; (G) to fail or refuse to make a reasonable
129 accommodation for an employee or person seeking employment due to
130 her pregnancy, unless the employer can demonstrate that such
131 accommodation would impose an undue hardship on such employer;
132 (H) to deny employment opportunities to an employee or person
133 seeking employment if such denial is due to the employee's request for
134 a reasonable accommodation due to her pregnancy; (I) to force an
135 employee or person seeking employment affected by pregnancy to
136 accept a reasonable accommodation if such employee or person seeking
137 employment (i) does not have a known limitation related to her

138 pregnancy, or (ii) does not require a reasonable accommodation to
139 perform the essential duties related to her employment; (J) to require an
140 employee to take a leave of absence if a reasonable accommodation can
141 be provided in lieu of such leave; and (K) to retaliate against an
142 employee in the terms, conditions or privileges of her employment
143 based upon such employee's request for a reasonable accommodation;

144 (8) For an employer, by the employer or the employer's agent, for an
145 employment agency, by itself or its agent, or for any labor organization,
146 by itself or its agent, to harass any employee, person seeking
147 employment or member on the basis of sex or gender identity or
148 expression. If an employer takes immediate corrective action in
149 response to an employee's claim of sexual harassment, such corrective
150 action shall not modify the conditions of employment of the employee
151 making the claim of sexual harassment unless such employee agrees, in
152 writing, to any modification in the conditions of employment.
153 "Corrective action" taken by an employer, includes, but is not limited to,
154 employee relocation, assigning an employee to a different work
155 schedule or other substantive changes to an employee's terms and
156 conditions of employment. Notwithstanding an employer's failure to
157 obtain a written agreement from an employee concerning a modification
158 in the conditions of employment, the commission may find that
159 corrective action taken by an employer was reasonable and not of
160 detriment to the complainant based on the evidence presented to the
161 commission by the complainant and respondent. As used in this
162 subdivision, "sexual harassment" means any unwelcome sexual
163 advances or requests for sexual favors or any conduct of a sexual nature
164 when (A) submission to such conduct is made either explicitly or
165 implicitly a term or condition of an individual's employment, (B)
166 submission to or rejection of such conduct by an individual is used as
167 the basis for employment decisions affecting such individual, or (C)
168 such conduct has the purpose or effect of substantially interfering with
169 an individual's work performance or creating an intimidating, hostile or
170 offensive working environment;

171 (9) For an employer, by the employer or the employer's agent, for an

172 employment agency, by itself or its agent, or for any labor organization,
173 by itself or its agent, to request or require information from an
174 employee, person seeking employment or member relating to the
175 individual's child-bearing age or plans, pregnancy, function of the
176 individual's reproductive system, use of birth control methods, or the
177 individual's familial responsibilities, unless such information is directly
178 related to a bona fide occupational qualification or need, provided an
179 employer, through a physician may request from an employee any such
180 information which is directly related to workplace exposure to
181 substances which may cause birth defects or constitute a hazard to an
182 individual's reproductive system or to a fetus if the employer first
183 informs the employee of the hazards involved in exposure to such
184 substances;

185 (10) For an employer, by the employer or the employer's agent, after
186 informing an employee, pursuant to subdivision (9) of this subsection,
187 of a workplace exposure to substances which may cause birth defects or
188 constitute a hazard to an employee's reproductive system or to a fetus,
189 to fail or refuse, upon the employee's request, to take reasonable
190 measures to protect the employee from the exposure or hazard
191 identified, or to fail or refuse to inform the employee that the measures
192 taken may be the subject of a complaint filed under the provisions of
193 this chapter. Nothing in this subdivision is intended to prohibit an
194 employer from taking reasonable measures to protect an employee from
195 exposure to such substances. For the purpose of this subdivision,
196 "reasonable measures" are those measures which are consistent with
197 business necessity and are least disruptive of the terms and conditions
198 of the employee's employment;

199 (11) For an employer, by the employer or the employer's agent, for an
200 employment agency, by itself or its agent, or for any labor organization,
201 by itself or its agent: (A) To request or require genetic information from
202 an employee, person seeking employment or member, or (B) to
203 discharge, expel or otherwise discriminate against any person on the
204 basis of genetic information. For the purpose of this subdivision,
205 "genetic information" means the information about genes, gene

206 products or inherited characteristics that may derive from an individual
207 or a family member;

208 (12) For an employer, by the employer or the employer's agent, to
209 request or require a prospective employee's age, date of birth, dates of
210 attendance at or date of graduation from an educational institution on
211 an initial employment application, provided the provisions of this
212 subdivision shall not apply to any employer requesting or requiring
213 such information (A) based on a bona fide occupational qualification or
214 need, or (B) when such information is required to comply with any
215 provision of state or federal law; [and]

216 (13) (A) For an employer or the employer's agent to deny an employee
217 a reasonable leave of absence in order to: (i) Seek attention for injuries
218 caused by domestic violence including for a child who is a victim of
219 domestic violence, provided the employee is not the perpetrator of the
220 domestic violence against the child; (ii) obtain services including safety
221 planning from a domestic violence agency or rape crisis center, as those
222 terms are defined in section 52-146k, as a result of domestic violence;
223 (iii) obtain psychological counseling related to an incident or incidents
224 of domestic violence, including for a child who is a victim of domestic
225 violence, provided the employee is not the perpetrator of the domestic
226 violence against the child; (iv) take other actions to increase safety from
227 future incidents of domestic violence, including temporary or
228 permanent relocation; or (v) obtain legal services, assisting in the
229 prosecution of the offense, or otherwise participate in legal proceedings
230 in relation to the incident or incidents of domestic violence.

231 (B) An employee who is absent from work in accordance with the
232 provisions of subparagraph (A) of this subdivision shall, within a
233 reasonable time after the absence, provide a certification to the employer
234 when requested by the employer. Such certification shall be in the form
235 of: (i) A police report indicating that the employee or the employee's
236 child was a victim of domestic violence; (ii) a court order protecting or
237 separating the employee or employee's child from the perpetrator of an
238 act of domestic violence; (iii) other evidence from the court or

239 prosecuting attorney that the employee appeared in court; or (iv)
240 documentation from a medical professional, domestic violence
241 counselor, as defined in section 52-146k, or other health care provider,
242 that the employee or the employee's child was receiving services,
243 counseling or treatment for physical or mental injuries or abuse
244 resulting in victimization from an act of domestic violence.

245 (C) Where an employee has a physical or mental disability resulting
246 from an incident or series of incidents of domestic violence, such
247 employee shall be treated in the same manner as an employee with any
248 other disability.

249 (D) To the extent permitted by law, employers shall maintain the
250 confidentiality of any information regarding an employee's status as a
251 victim of domestic violence; and

252 (14) For an employer, by the employer or the employer's agent to: (A)
253 Refuse to hire or employ, discriminate in compensation or in terms,
254 conditions or privileges of employment, or bar or discharge from
255 employment, any employee or independent contractor because such
256 person disclosed conduct the person reasonably believes to be a
257 discriminatory employment practice, or because such person
258 disparaged the employer for engaging in conduct the person reasonably
259 believes to be a discriminatory employment practice, or (B) require or
260 request a prospective, current or former employee or independent
261 contractor to enter into an agreement containing a provision that is void
262 pursuant to subsection (e) of this section, or for an employer to attempt
263 to enforce such provision. The provisions of this subdivision and
264 subsection (e) of this section shall be liberally construed so as to
265 effectuate their remedial purpose and such provisions shall extend to an
266 intern, who is paid or unpaid, and any volunteer engaged in service to
267 an employer in this state in the business of the employer.

268 (c) (1) The provisions of this section concerning age shall not apply
269 to: (A) The termination of employment of any person with a contract of
270 unlimited tenure at an independent institution of higher education who

271 is mandatorily retired, on or before July 1, 1993, after having attained
272 the age of seventy; (B) the termination of employment of any person
273 who has attained the age of sixty-five and who, for the two years
274 immediately preceding such termination, is employed in a bona fide
275 executive or a high policy-making position, if such person is entitled to
276 an immediate nonforfeitable annual retirement benefit under a pension,
277 profit-sharing, savings or deferred compensation plan, or any
278 combination of such plans, from such person's employer, which equals,
279 in aggregate, at least forty-four thousand dollars; (C) the termination of
280 employment of persons in occupations, including police work and fire-
281 fighting, in which age is a bona fide occupational qualification; (D) the
282 operation of any bona fide apprenticeship system or plan; or (E) the
283 observance of the terms of a bona fide seniority system or any bona fide
284 employee benefit plan for retirement, pensions or insurance which is not
285 adopted for the purpose of evading said provisions, except that no such
286 plan may excuse the failure to hire any individual and no such system
287 or plan may require or permit the termination of employment on the
288 basis of age. No such plan which covers less than twenty employees may
289 reduce the group hospital, surgical or medical insurance coverage
290 provided under the plan to any employee who has reached the age of
291 sixty-five and is eligible for Medicare benefits or any employee's spouse
292 who has reached age sixty-five and is eligible for Medicare benefits
293 except to the extent such coverage is provided by Medicare. The terms
294 of any such plan which covers twenty or more employees shall entitle
295 any employee who has attained the age of sixty-five and any employee's
296 spouse who has attained the age of sixty-five to group hospital, surgical
297 or medical insurance coverage under the same conditions as any
298 covered employee or spouse who is under the age of sixty-five.

299 (2) No employee retirement or pension plan may exclude any
300 employee from membership in such plan or cease or reduce the
301 employee's benefit accruals or allocations under such plan on the basis
302 of age. The provisions of this subdivision shall be applicable to plan
303 years beginning on or after January 1, 1988, except that for any
304 collectively bargained plan this subdivision shall be applicable on the

305 earlier of (A) January 1, 1990, or (B) the later of (i) the expiration date of
306 the collective bargaining agreement, or (ii) January 1, 1988.

307 (3) The provisions of this section concerning age shall not prohibit an
308 employer from requiring medical examinations for employees for the
309 purpose of determining such employees' physical qualification for
310 continued employment.

311 (4) Any employee who continues employment beyond the normal
312 retirement age in the applicable retirement or pension plan shall give
313 notice of intent to retire, in writing, to such employee's employer not
314 less than thirty days prior to the date of such retirement.

315 (d) (1) An employer shall provide written notice of the right to be free
316 from discrimination in relation to pregnancy, childbirth and related
317 conditions, including the right to a reasonable accommodation to the
318 known limitations related to pregnancy pursuant to subdivision (7) of
319 subsection (b) of this section to: (A) New employees at the
320 commencement of employment; (B) existing employees within one
321 hundred twenty days of October 1, 2017; and (C) any employee who
322 notifies the employer of her pregnancy within ten days of such
323 notification. An employer may comply with the provisions of this
324 section by displaying a poster in a conspicuous place, accessible to
325 employees, at the employer's place of business that contains the
326 information required by this section in both English and Spanish. The
327 Labor Commissioner may adopt regulations, in accordance with
328 chapter 54, to establish additional requirements concerning the means
329 by which employers shall provide such notice.

330 (2) The Commission on Human Rights and Opportunities shall
331 develop courses of instruction and conduct ongoing public education
332 efforts as necessary to inform employers, employees, employment
333 agencies and persons seeking employment about their rights and
334 responsibilities under this section.

335 (e) (1) Any provision in an agreement between an employer and a
336 prospective, current or former employee or independent contractor

337 shall be void as against public policy if such provision prohibits
 338 disparagement or disclosure relating to conduct the employee or
 339 independent contractor reasonably believes to be a discriminatory
 340 employment practice. The provisions of this subsection shall not
 341 prohibit: (A) The enforcement of a provision in any agreement that
 342 prohibits the disclosure of (i) trade secrets, proprietary information or
 343 confidential information that does not involve illegal acts; (ii) the
 344 amount paid in settlement of a claim; or (iii) confidential information
 345 received by an employee that relates to the employee's job
 346 responsibilities in reviewing, investigating or resolving an allegation of
 347 a discriminatory practice; or (B) an employee or volunteer from
 348 requesting that the employee and employer enter into a binding written
 349 agreement, which may include terms and conditions that preclude the
 350 employer from disclosing certain confidential information relating to an
 351 employee or a volunteer that does not involve illegal acts.

352 (2) A provision prohibiting disparagement or disclosure relating to
 353 conduct the employee or independent contractor reasonably believes to
 354 be a discriminatory employment practice prohibited under subdivision
 355 (1) of this subsection, entered into prior to October 1, 2024, shall be void
 356 and unenforceable only where such provision was entered into at the
 357 outset of employment or during the course of employment. For a
 358 nondisclosure or nondisparagement provision void and unenforceable
 359 under this subdivision, an employee may recover only damages relating
 360 to preventing the enforcement of the provision. The provisions of this
 361 subdivision shall not apply to a nondisclosure or nondisparagement
 362 provision contained in an agreement to settle a legal claim."

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	46b-15f(c)
Sec. 2	July 1, 2024	New section
Sec. 3	October 1, 2024	46a-60