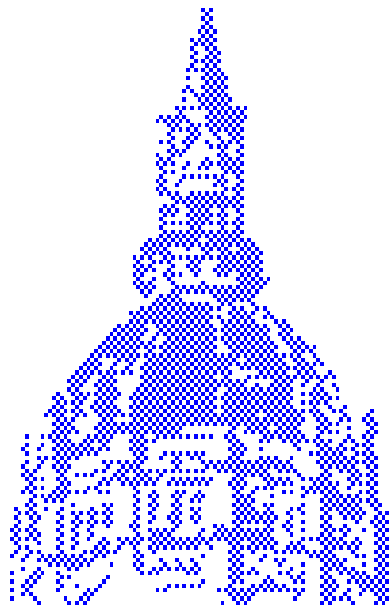


Office of Legislative Research
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OLR ACTS AFFECTING

CHILDREN



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NOTICE TO READERS

This report provides brief highlights of new laws affecting children enacted during the 2013 regular session. Each summary indicates the public act (PA) number and effective date.

Not all provisions of the acts are included here. Complete summaries of all 2013 public acts will be available on OLR's webpage:
<http://cga.ct.gov/olr/olrsums.asp>

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerks Office, or General Assembly's website (www.cga.ct.gov/).

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CHILDREN'S HEALTH

Children's Mental, Emotional, and Behavioral Health

A new law requires the Department of Children and Families (DCF) and the Office of Early Childhood (OEC), in consultation and collaboration with various individuals and agencies, to take several steps to address Connecticut children's mental, emotional, and behavioral health needs. DCF must develop a comprehensive plan to (1) meet these needs and (2) prevent or reduce the long-term negative impact of mental, emotional, and behavioral health issues on children. OEC must (1) design and implement a public information and education campaign on these issues and (2) provide recommendations to several legislative committees on coordinating home visitation programs that offer services to vulnerable families with young children.

The new law requires training for school resource officers, mental health care providers, pediatricians, and child care providers. It also requires the (1) state to seek existing public and private reimbursement for mental, emotional, and behavioral health services and (2) Birth-to-Three program to

provide mental health services to children eligible for early intervention services under federal law.

The new law also (1) allows the Judicial Branch to seek funding to perform a study to determine whether children and young adults who primarily need mental health interventions are placed in the juvenile justice or corrections systems instead of receiving appropriate treatment and (2) establishes a 14-member task force to study the effects of nutrition, genetics, complementary and alternative treatments, and psychotropic drugs on children's mental, emotional, and behavioral health.

[PA 13-178](#), effective July 1, 2013, except the Judicial Branch and OEC provisions are effective on October 1, 2013.

Child Obesity Task Force

A new law establishes a 19-member task force to study the effects of obesity on children's health and report its findings to the Children's Committee by October 1, 2014. The law identifies specific tasks that the task force must undertake.

[PA 13-173](#) §1, effective upon passage.

Child Primary Care Provider Regional Consultation and Care Coordination

Under a new law, the DCF commissioner, by January 1, 2014, must establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children. The program must provide the providers with:

1. timely access to a consultation team that includes a child psychiatrist, social worker, and care coordinator;
2. patient care coordination and transitional services for behavioral health care; and
3. training and education on patient access to behavioral health services.

The DCF commissioner must submit a program plan by October 1, 2013 to the Appropriations, Children's, Human Services, and Public Health committees.

[PA 13-3 § 69](#), effective upon passage.

Connecticut Vaccine Program

A new law requires the Office of Policy and Management secretary, in consultation with the Department of Public Health (DPH) commissioner, to determine annually, by September 1, the amount of the General Fund appropriation

needed to administer the Connecticut Vaccine Program (CVP) and inform the insurance commissioner of the amount.

By October 1, 2013, DPH, in consultation with OPM, must develop and begin annually implementing a reconciliation and expenditure projection process for the state's childhood immunization budget account. This process must include (1) an accounting of the previous year's expenditures, (2) the process and factors to be used in determining each future year's assessment, and (3) the establishment of an appropriate notification process for the entities assessed under the account.

CVP is a state- and federally funded program that provides certain childhood vaccinations at no cost to health care providers. The state-funded component is funded by an assessment on certain health insurers and third-party administrators.

[PA 13-234 §§ 143 and 144](#), effective July 1, 2013.

Insurance Coverage for Autism Spectrum Disorders

Under a new law, certain health insurance policies must at least maintain current levels of benefits for insureds diagnosed with autism spectrum disorder before the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) was released (i.e., May 2013).

By law, the affected individual and group policies must provide benefits to diagnose and treat “mental or nervous conditions.” These conditions are mental disorders as defined by the most recent edition of the DSM. Prior law required these policies to provide specific services for insureds to treat autism spectrum disorder, as was described in the most recent edition of the DSM, to the extent such services were a covered benefit for other diseases and conditions under the policy. In addition, individual and group policies had to cover medically necessary early intervention services provided as part of an individualized service plan for children up to age three who have, or are at risk of having, developmental delays (birth-to-three programs). The new law instead requires, in each case, that the insurer at least maintain coverage at the level provided immediately before the fifth edition’s release for insureds diagnosed with autism spectrum disorder before that date.

[PA 13-84](#), effective upon passage.

Newborn Testing for Adrenoleukodystrophy (ALD)

Under a new law, when certain conditions are met, all health care institutions caring for newborn infants must test them for ALD unless, as allowed by law, their parents object on

religious grounds. The test for ALD is in addition to the DPH newborn screening program for genetic and metabolic disorders.

Health care institutions must begin testing infants for ALD after both of the following occur:

1. (a) a reliable ALD screening method is developed and validated that uses dried blood spots and quality assurance testing methods or (b) the federal Food and Drug Administration approves an ALD test that uses dried blood spots and
2. any reagents necessary for the screening test are available.

[PA 13-242](#), effective October 1, 2013.

Parental Notification When A Child Is Admitted to The Hospital For Mental Disorder Diagnosis and Treatment

A new law reduces, from five days to 24 hours, the time within which a hospital must notify a parent or guardian of a child age 14 or older or in DCF custody that the child was admitted for the diagnosis or treatment of a mental disorder without their consent.

The law allows a hospital to admit a child age 14 or older without parental consent if the child agrees in writing. The DCF commissioner may admit any child under her custody to a hospital without going through Probate Court if the (1) child's legal counsel consents in writing

and (2) child is age 14 or older and agrees.

[PA 13-130](#), effective October 1, 2013.

Permanency Plan Review

The law gives the DCF commissioner nine months from the time a child or youth under age 18 is placed in DCF custody to file a motion for the court to review the child's permanency plan (i.e. a plan stating what permanent outcome DCF feels is in the child's best interest and the facts on which DCF bases that position.) A new law extends the review process to permanency plans for youths age 18 through 20 in voluntary DCF custody.

[PA 13-234 § 72](#), effective October 1, 2013.

CRIMINAL JUSTICE

4th Degree Sexual Assault Definition Modified

In certain cases, a new law no longer requires sexual contact to be intentional to qualify as 4th degree assault but retains the requirement that the offender intend to (1) derive sexual gratification from the act or (2) degrade or humiliate the victim. The law applies to cases involving a victim:

1. under age 13, when the offender is more than two years older;

2. age 13 or 14, when the offender is more than three years older;
3. mentally defective or incapacitated to the extent that he or she is unable to consent to sexual contact;
4. physically helpless;
5. under age 18, when the offender is his or her guardian or otherwise responsible for his or her welfare; or
6. in custody or detained in a hospital or other institution, when the offender has supervisory or disciplinary authority over him or her.

The same standard already applies to other conduct constituting 4th degree sexual assault, such as sexual contact without the victim's consent or with a student enrolled in a school where the offender works.

Fourth-degree sexual assault is a class A misdemeanor punishable by up to one year in prison, a fine of up to \$2,000, or both. It is a class D felony, punishable by up to five years in prison, a fine of up to \$5,000, or both, if the victim is under age 16.

[PA 13-28](#), effective October 1, 2013.

Commercial Sexual Exploitation of a Minor

A new law adds funds and property related to commercial sexual exploitation of a minor to the types of property subject to forfeiture as tainted funds and property related to sexual exploitation and human trafficking.

[PA 13-166](#), effective October 1, 2013.

Emergency Ex Parte Custody Orders

A new law allows a person seeking child custody in a dissolution, legal separation, or marriage annulment proceeding or a later child custody proceeding to apply to the court for an emergency ex parte custody order when he or she believes there is an immediate and present risk of physical danger or psychological harm to the child. An emergency ex parte order may prohibit the respondent from (1) removing the child from Connecticut, (2) interfering with the applicant's custody of the child, (3) interfering with the child's education, or (4) taking other specific actions, if the court finds such a prohibition is in the child's best interests.

[PA 13-194](#), effective October 1, 2013.

Gang Recruitment a Criminal Offense

A new law makes it a class A misdemeanor, punishable by up to one year imprisonment, up to a \$2,000 fine, or both, to recruit a minor to participate in a criminal gang.

[PA 13-302](#) § 1, effective October 1, 2013.

Juvenile Justice Pilot Program

A new law requires the Judicial Branch's Court Support Services Division (CSSD) to conduct a pilot program in Bridgeport, Hartford, and New Haven designed to reduce (1) the number of children and youths who come into contact with the juvenile justice system and (2) recidivism among those who are delinquents. CSSD must conduct the program within available appropriations and in collaboration with certain government and community organizations. The chief court administrator must submit a report to the Judiciary and Children's committees by February 1, 2014 describing the program and any recommendations to expand or continue it.

[PA 13-302](#) § 2, effective July 1, 2013.

Larceny Definition Modified

Under a new law, a child, an emancipated minor, or a homeless student who is at least

age 18 who wrongfully takes school accommodations provided by a school district is not guilty of larceny. By law, a person generally commits larceny when he or she wrongfully takes, obtains, or withholds, among other things, services from an owner.

[PA 13-211](#), effective October 1, 2013.

Long Gun and Ammunition Age Restrictions

Under a new law, gun dealers cannot, with some exceptions, sell long guns to anyone under age 18. If the long gun is a semi-automatic centerfire rifle that has or accepts a magazine with a capacity of more than five rounds, the purchaser, with certain exceptions, must be at least age 21.

The new law also creates a new gun credential: a long gun eligibility certificate. It sets the minimum age for this certificate at 18.

The new law generally bars the sale of ammunition or ammunition magazines to anyone under age 18.

[PA 13-3](#), effective July 1, 2013 for the long gun eligibility certificate and upon passage for the age restrictions on long gun and ammunition sales.

Penalty for Delivering Liquor to a Minor Increased

A new law increases the maximum fine for selling liquor

to a minor from \$1,500 to \$3,000 by making the offense a class E, instead of an unclassified, felony. A person who commits this crime may be fined, sentenced to prison for up to 18 months, or both.

[PA 13-258 § 9](#), effective October 1, 2013.

Penalty for Patronizing a Prostitute Increased

A new law increases the penalty for patronizing a prostitute from a class A misdemeanor to a class C felony when the actor knew or reasonably should have known at the time of the offense that the prostitute was (a) under age 18 or (b) the victim of conduct amounting to a crime of trafficking in persons under state law or involuntary servitude, slavery, or trafficking under federal law. A class A misdemeanor is punishable by up to one year in prison, a fine of up to \$2,000, or both. A class C felony is punishable by up to 10 years in prison, a fine of up to \$10,000, or both.

[PA 13-166](#), effective October 1, 2013.

Sex Offender Registration

Starting July 1, 2013, anyone found not guilty of a crime due to mental disease or defect who is granted temporary leave by the Psychiatric Security Review Board must register as a sex offender if the crime for which he or she was acquitted requires sex

offender registration. These include crimes against minors, sexual offenses, and felonies found by the sentencing court to have been committed for sexual purposes.

[PA 13-73](#), effective July 1, 2013.

DEPARTMENT OF CHILDREN AND FAMILIES (DCF)

Academic Progress of Children in State Custody

A new law requires DCF and the State Department of Education (SDE) to (1) annually track the academic progress of children and youth in state custody from prekindergarten through grade 12 and (2) submit a progress report to the Achievement Gap Task Force. CSSD, in collaboration with SDE, must create an annual aggregate report on the progress of youth in its custody.

[PA 13-234 § 124](#), effective July 1, 2013.

Animal Assisted Therapy

A new law requires DCF, by July 1, 2014 and within available appropriations, to consult with the Governor's Prevention Partnership and the animal-assisted therapy community to develop a crisis response program using a coordinated volunteer canine response team to provide animal-assisted therapy to children and youths living with trauma and loss.

[PA 13-114](#), effective October 1, 2013.

Child Abuse or Neglect Cases and Investigations

A new law requires DCF to follow the same expungement process for family assessment response cases as applies to unsubstantiated cases of abuse and neglect. It requires DCF to destroy the case files five years after completing its investigation or closing the family assessment case, whichever is later, if the department has not received another report of abuse or neglect involving the family. But if a family has more than one unsubstantiated report within this period, DCF must keep the records for five years from the date it completed the most recent investigation.

The new law also renames the DCF "differential response" program as the "family assessment response" program. Under this program, when DCF receives a report of child abuse and neglect, it can make referrals to appropriate community providers for family assessment and services either when it decides not to investigate a case that it classifies as presenting a lower safety risk or, if it decides to investigate, at any time during the investigation.

[PA 13-54](#), effective October 1, 2013.

Under a new law, DCF, when opening a child abuse or neglect investigation, must notify both the child's guardian and custodial and noncustodial parents, if such notification is in the child's best interest. DCF may not provide this notice if it has reasonable grounds to believe that doing so would interfere with a criminal investigation or endanger someone.

[PA 13-77](#), effective July 1, 2013.

During a child abuse or neglect investigation, a new law allows DCF to interview a child without his or her caretaker's consent when it has reason to believe that seeking such consent would place the child at imminent risk of physical harm. DCF may already interview the child without such consent if it has reason to believe that the caretaker or a member of the child's household was the perpetrator of the abuse or neglect.

[PA 13-52](#), effective October 1, 2013.

Developmental and Social-Emotional Delay Screening

A new law requires DCF to ensure that children age 36 months or younger are screened for developmental and social-emotional delays if they are (1) substantiated abuse and neglect victims or (2) receiving DCF differential response program

services. The department must do this starting October 1, 2013 for the former and July 1, 2015 for the latter.

[PA 13-234 § 154](#), effective October 1, 2013.

Raise the Grade Pilot Program

A new law requires DCF, in consultation with SDE, to establish a two-year, Raise the Grade pilot program in Bridgeport, Hartford, and New Haven to increase the academic achievement of children and youth in DCF custody or being served by CSSD in these cities.

[PA 13-234 § 123](#), effective July 1, 2013.

Rights Associated with Orders of Temporary Custody

In child abuse and neglect cases, a new law extends to DCF or any agency or person to whom DCF has granted temporary care and custody of a child or youth on the basis of a court order of temporary custody (OTC), the following rights regarding that child or youth:

1. the obligation of care and control;
2. the authority to make decisions about emergency medical, psychological, psychiatric, or surgical treatment; and
3. other rights and duties that the court orders.

By law, DCF must file an affidavit requesting an OTC with the Superior Court when it has

reasonable cause to believe that (1) the child is in immediate physical danger or is suffering from a serious physical illness or injury and (2) the conditions or circumstances surrounding the child's care require that DCF assume immediate custody to protect the child.

[PA 13-228](#), effective October 1, 2013.

DEPARTMENT OF SOCIAL SERVICES (DSS)

Care 4 Kids Subsidies For Recipients on Unpaid Leave

A new law codifies a DSS practice of paying Care 4 Kids subsidies, within available appropriations, for up to six weeks when a recipient takes unpaid leave because of a child's birth or impending birth. DSS must continue subsidy payments if (1) the parent intends to return to work at the end of the leave, (2) he or she verifies that the child will lose his or her slot in a licensed or school-based child care setting if the payments are interrupted, and (3) the child continues to attend that program during the recipient's leave.

[PA 13-50](#), effective October 1, 2013.

Children's Trust Fund Council Eliminated

A new law eliminates the Children's Trust Fund Council. By doing so, it gives the DSS commissioner exclusive authority

to use the fund. This authority includes applying for, accepting, administering, and soliciting funds for (1) the prevention of child abuse and neglect and (2) family resource programs.

[PA 13-247 §§ 46-50](#), effective July 1, 2013.

Healthy Start Program

A new law (1) codifies the Healthy Start program, which (a) is a line item in DSS' budget, (b) is administered by the Children's Trust Fund, (c) serves pregnant women with incomes up to 250% of the federal poverty level, and (d) promotes and supports positive maternal and neonatal health outcomes and (2) requires the program to be located within DSS' Medical Care Administration Division.

[PA 13-234 § 122](#), effective July 1, 2013.

EDUCATION AND SCHOOL SAFETY

Animal Dissection

Under a new law, school districts must excuse any student from participating in, or observing, animal dissections as part of classroom instruction if the student's parent or guardian requested such in writing. An excused student must complete an alternate assignment that the school district determines.

[PA 13-273](#), effective July 1, 2013.

Community Schools

Under a new law, school boards may establish community schools to participate with community partners to provide comprehensive educational, developmental, family, health, and wrap-around services to students, families, and community members.

The new law specifies the steps a board must complete in order to establish a community school. Boards that establish these schools must report to SDE on their progress. In turn, SDE must report to the Education Committee on the schools.

[PA 13-64](#), effective July 1, 2013.

Mastery Tests

A new law allows students to take their final mastery examination in grade 11, as an alternative to grade 10, beginning in the 2013-14 school year.

[PA 13-207](#), effective July 1, 2013.

Physical Exercise Requirements

Under a new law, public schools must include a total of 20 minutes of physical exercise in each regular school day for all elementary school students, rather than just those in kindergarten through grade five.

Also, by October 1, 2013, every school board must adopt policies it deems appropriate

concerning any school employee being involved, during the regular school day, in (1) preventing, as a form of discipline, an elementary school student from participating in the required period of physical exercise or (2) requiring any student in grade kindergarten through twelve to engage in physical activity as a form of discipline.

[PA 13-173](#) § 2, effective July 1, 2013.

Pool Safety Requirements

A new law establishes and phases in, beginning with the July 1, 2013 school year, statewide safety standards for public school swimming pools being used for physical education classes, interscholastic activities, or extracurricular activities (i.e., student aquatic activities). The new law applies to any pool a school board approves for these activities.

When any of the above aquatic activities are taking place at a school pool, the new law requires a qualified person to be present to monitor the pool for distressed swimmers and help them if necessary. This person must be in addition to the one conducting the activity, except for extracurricular activities being conducted in any school year starting July 1, 2014.

By July 1, 2014, the new law requires all school boards offering student aquatic activities at a school pool to adopt a pool

safety plan ensuring compliance with the new law.

[PA 13-161](#), effective July 1, 2013.

School Safety Requirements

A new law (1) establishes requirements for municipalities and boards of education to hire active or retired police officers to provide armed security at public schools and (2) requires all armed school security to be active or retired police officers.

State law generally bans possession of firearms on school grounds except under certain circumstances, one of which is when a person possesses the firearm under an agreement between school officials and the person or his or her employer. The new law applies its requirements to these agreements, thus narrowing who can possess firearms on school grounds under these agreements to active or retired police officers.

[PA 13-188](#), effective upon passage.

MANDATED REPORTERS

Employer Prohibitions and Penalties

A new law (1) prohibits employers from attempting to prevent employees from reporting child abuse or neglect or testifying in child abuse or neglect hearings and (2) subjects employers to the whistleblower penalties, in addition to the

current civil penalties, if they take adverse actions against employees who report child abuse or neglect.

[PA 13-53](#), effective October 1, 2013.

Interference or Prevention of Reporting and Failure to Report

A new law makes it a form of risk of injury to a child for a person to intentionally and unreasonably interfere with or prevent a person who is required to report suspected child abuse and neglect (a mandated reporter) from carrying out this obligation.

The new law also makes it a class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$2,000, or both for mandated reporters to fail to report suspected child abuse or neglect to DCF. Previously, this inaction subjected them to fines between \$500 and \$2,500.

[PA 13-297](#), effective October 1, 2013.

MISCELLANEOUS

Birth Certificates for Homeless Youths and Emancipated Minors

Certified homeless youths and emancipated minors can now access or receive their birth certificates under a new law. Until now, only parents, guardians, and certain other

family members could obtain birth certificates for minors.

Under the new law, a certified homeless youth is a 15- to 17-year old person, not in the physical custody of a parent or legal guardian, who is a homeless child or youth as defined in federal law and certified as homeless by:

1. a school district homeless liaison;
2. the director of an emergency shelter program funded by the U.S. Department of Housing and Urban Development, or the director's designee; or
3. the director of a runaway or homeless youth basic center or transitional living program funded by the U.S. Department of Health and Human Services, or the director's designee.

[PA 13-142](#), effective October 1, 2013.

Child Advocate Candidates

A new law reduces the number of candidates that the Office of the Child Advocate's advisory committee must submit to the governor to fill a vacancy in the position of advocate (from between five and seven to between three and five.)

[PA 13-247 §52](#), effective July 1, 2013.

“Genetically Engineered” Infant Formula Labeling Requirement

A new law generally requires certain foods for human consumption, including infant formula, that are entirely or partially genetically engineered to be labeled as such. The new law generally deems such items misbranded if they do not contain the required label. These requirements go into effect in the October following the enactment of similar laws in four other states meeting certain criteria. One of these states must border Connecticut, and the total population of such states in the northeast must be 20 million.

[PA 13-183](#), effective October 1, 2013.

Indoor Tanning

Prior law subjected tanning facility operators to a fine of up to \$100 if they allowed someone under age 16 to use a tanning device without the parent's or guardian's written consent. A new law raises this age threshold to age 17 and eliminates the exception for parental or guardian consent. As under existing law, the operators are subject to the fine if they know, or should have known, the person's age under the circumstances.

[PA 13-79](#), effective October 1, 2013.

Internship Opportunities for Foster Children

A new law requires state agencies, when hiring individuals for, or placing them in, internship programs they offer, to give preference to young adults who (1) are between ages 18 and 24 and (2) were in DCF foster care on their 18th birthday. "Preference" is defined as priority over similarly qualified applicants. The new employee or applicant does not have to request foster child status or disclose his or her status as a former foster child. Also, the law cannot be construed to give a new employee or applicant the right to sue for a violation of its provisions.

[PA 13-124](#), effective July 1, 2013.

KD:tjo

Safe Boating Requirements

The law prohibits a boat owner from knowingly letting a child under age 16 operate an electric motor boat unless the child has a safe boating certificate or is supervised by a person age 18 or older who has held a safe boating certificate for at least two years. A new law waives this provision for a person operating a boat between one hour before sunrise and one hour before sunset with an electric motor rated at 106 pounds of thrust or less on inland Connecticut waters where motor boats exceeding 10 horsepower are prohibited.

[PA 13-98](#), effective October 1, 2013.