



# 2014 MAJOR PUBLIC ACTS



## NOTICE TO READERS

These summaries are intended to briefly describe the most significant, far-reaching, and publicly debated acts passed by the General Assembly in its 2014 regular session.

Where possible, we have listed the new laws by their Public Act (PA) number. Others are identified by their bill numbers.

Not all provisions of the acts are included. Our 2014 Public Act Summary book, which contains detailed summaries of all public acts, will be available later this summer.

More detailed summaries of the major acts are posted on the Internet at <http://cga.ct.gov/olr/>. The Office of Legislative Research also produces a number of specific reports highlighting timely legislation in various subject areas, including acts affecting children, senior citizens, the environment, and business. These reports will also be available at the above website.

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## **ANIMALS**

### ***Pet Shop Licensees***

A new law requires the agriculture commissioner to develop a standard of care applicable to in-state dog and cat breeders. It also (1) prohibits pet shop licensees from purchasing or selling dogs or cats from breeders who have violated U.S. Department of Agriculture (USDA) animal welfare regulations and increases the fine for violating related requirements, (2) increases the amount of money a pet shop licensee must reimburse a customer for veterinarian expenses incurred to treat a dog or cat that becomes ill shortly after purchase from the shop, and (3) requires a pet shop licensee to post certain USDA inspection reports for breeders of any dog offered for sale.

([sSB 445](#), effective October 1, 2014)

## **BANKS**

### ***Optional Foreclosure Method***

A new law establishes an optional foreclosure method for certain residential properties, called "foreclosure by market sale," which is a court-approved sale on the open market upon the mortgagee's (lender's) request and with the mortgagor's (borrower's) consent. The law establishes industry and court procedures for this option, including a process that allows subordinate lienholders to preserve their interests in the property. It also exempts the transfer of property sold

through the foreclosure by market sale method from real estate conveyance tax.

([sHB 5514](#) and [HB 5597](#), §§ 207 & 249, effective January 1, 2015)

### ***Sales and Use Tax Exemption***

A new law, beginning July 1, 2016, exempts sales of goods or services to Connecticut credit unions from the sales and use tax. A Connecticut credit union is a credit union that (1) is a cooperative, nonprofit financial institution organized under, and the membership of which is limited by, Connecticut law; (2) operates for the benefit and general welfare of its members with the earnings, benefits, or services offered being distributed to, or retained for, its members; and (3) is governed by a volunteer board of directors elected by and from its membership. Sales to federally chartered credit unions are already exempt from the Connecticut sales and use tax.

([HB 5597](#), § 196, effective July 1, 2016, and applicable to sales occurring on or after that date)

## **BIENNIAL BUDGET**

### ***Revised FY 15 Budget***

**Budget Balance.** The original FY 15 budget contained a \$3.1 million General Fund balance. The revised budget reduces that balance to \$0.4 million.

**Budget Growth.** Original FY 15 budget appropriations grew over original FY 14 appropriations by 1.8% in the General Fund (2.1% all funds). The revised budget has a growth rate of 2.0% in the General Fund (2.5% all funds) when comparing FY 15 revised appropriations to FY 14 estimated expenditures.

**Spending Cap.** The revised budget is under the spending cap by \$25.9 million. Compared to the original FY 15 budget, it reduces room under the spending cap by \$9 million in FY 14 and \$140.3 million in FY 15. Of the change in FY 15, \$34.2 million is due to spending changes and \$106.1 million is due to a reduction in the allowable growth rate.

**FY 14 Surplus/Budget Reserve Fund (BRF).** The FY 15 revised budget carries forward \$6.5 million in FY 14 funding for use in FY 15. Of this amount, \$5.2 million reduces the estimated surplus in FY 14 to \$41.9 million. The remainder of the surplus, pending any additional carry forwards authorized within the Office of Policy and Management's (OPM) statutory authority, would result in a corresponding deposit to the BRF. As a result, the balance in the BRF would increase from \$270.7 million to \$312.6 million.

**New Positions.** The revised budget adds 490 positions and approximately \$38.8 million (all funds) across various agencies.

**Town Aid.** The revised budget increases funding for town aid by \$55.8 million over the original FY 15 budget. Included in this is \$21.1 million for property tax relief and \$18.7 million for education.

**Lapse (Bottom-Line) Reductions.** The revised budget reduces the total amount of lapses by a net \$26.4 million. However, it distributes \$25 million of the lapses into agency budgets based on prior year distributions resulting in an overall net decrease of \$1.4 million in lapse-related reductions.

### **Revenue**

The budget includes various policy changes that yield a net revenue increase of \$54.5 million in FY 15. This includes total decreases in taxes of \$22.8 million and a net increase in taxes of \$86.5 million, of which \$75 million is related to a tax collection initiative.

Also included are reductions in other revenue categories of \$45.7 million and increases in other sources of revenue of \$36.6 million.

The budget act makes various state tax and revenue changes. Among these changes, the act exempts (1) a portion of state teachers' retirement system income from the income tax (10% for the 2015 tax year, 25% for 2016, and 50% for 2017 and subsequent tax years); (2) admissions charges for events held at the XL Center in Hartford and Webster Bank Arena in Bridgeport

from the 10% admissions tax; and (3) nonprescription drugs and medicines from the sales and use tax beginning April 1, 2015. It (1) delays, from June 1, 2015 to July 1, 2015, the effective date of a sales and use tax exemption on clothing and footwear costing less than \$50 and (2) directs \$12.7 million in sales and use tax payments for FY 15 to OPM to distribute to municipalities according to a specified municipal revenue sharing formula.

The act also (1) repeals the authorization for the state to operate keno as a lottery game and (2) extends the sunset date for the angel investor tax credit program.

([PA 14-47](#) and [HB 5597](#), various effective dates)

## **BONDING**

The original FY 15 capital budget provided \$2,026.1 million in General Obligation (GO) bonds and \$588.7 million in Special Tax Obligation (STO) bonds. The 2014 revisions to the capital budget provide a net total of \$781.4 million in GO bonds (a 39% increase) and \$17.6 million in STO bonds (a 3% increase). The revisions move the state closer to the statutory bond cap on GO bonds by 6.5%, from 80.2% to 86.7%.

The bond act authorizes \$968.7 million in new GO bonds between FY 14 and FY 24 for various state capital projects and

grant programs and cancels \$33.8 million in previously authorized GO bonds. The new authorizations include:

1. \$25 million for the Department of Housing's Shoreline Resiliency Fund,
2. \$50 million for enhancements and upgrades to the state's CORE financial system,
3. \$30 million for the Connecticut Manufacturing Innovation Fund,
4. \$40 million over four years for the Regenerative Medicine Research Fund,
5. \$105 million over 10 years for the Connecticut Smart Start competitive grant program,
6. \$80 million for the Urban Action program,
7. \$100 million for the Manufacturing Assistance Act program,
8. \$103.5 million over two years for the Connecticut State Colleges and Universities 2020 program,
9. \$30 million for OPM's nonprofit grant program, and
10. \$22 million for the competitive school security grant program.

The act authorizes \$77.6 million in new STO bonds in FY 15 for transportation projects, including \$10 million for the Department of Transportation's (DOT) local bridge program and \$42.5 million

for bus and rail facilities and equipment. The act also cancels \$60 million in previously authorized STO bonds.

([sSB 29](#), various effective dates)

## **BUSINESS AND JOBS**

### ***Benefit Corporations***

A new law provides the necessary legal framework for establishing and operating for-profit businesses that seek to produce social benefits while increasing value for their shareholders (b-corps). Among other things, it specifically requires a b-corp's board of directors to consider certain interests and constituencies besides shareholders' financial interests when making decisions.

([HB 5597](#), §§ 140-157, effective October 1, 2014)

### ***Connecticut Manufacturing Innovation Fund***

Another new law creates the Connecticut Manufacturing Innovation Fund to provide manufacturers and researchers in aerospace, medical devices, and other targeted industries' supply chains with financing to, among other things, expand facilities, develop products, and match research grants. It establishes an 11-member advisory board to oversee the fund and requires the Department of Economic Development (DECD) to administer the fund. It also authorizes up to \$30 million in GO bonds for the fund in order

to provide grants, loans, and investments to eligible businesses or nonprofits.

([sSB 29](#), §§ 47-49, effective upon passage)

### ***Investing in Connecticut's Manufacturing Industries***

Under a new law, large manufacturers with unclaimed research and development tax credits qualify for tax refunds, tax offsets, or other compensation for spending at least \$100 million over five years on projects constructing or expanding facilities, purchasing machines and equipment, researching and developing new products and techniques, and hiring and training.

Manufacturers must submit proposed projects to DECD for certification. The amount a manufacturer spends on a project, among other factors, determines the amount of compensation.

([PA 14-2](#), effective upon passage)

### ***Minimum Wage Increase***

A new law increases the hourly minimum wage from \$8.70 to \$9.15 on January 1, 2015; to \$9.60 on January 1, 2016; and to \$10.10 on January 1, 2017. It does not change the "tip credit" allowed by law. Thus, it will automatically increase the employer's share of minimum wages for (1) hotel and wait staff from \$5.69 to \$5.78 in 2015, \$6.07 in 2016, and \$6.38 in 2017

and (2) bartenders from \$7.34 to \$7.46 in 2015, \$7.82 in 2016, and \$8.23 in 2017.

([PA 14-1](#), effective July 1, 2014)

### ***Public Retirement Plan***

A new law establishes the Connecticut Retirement Security Board and requires it to (1) conduct a market feasibility study on implementing a public retirement plan and (2) develop a comprehensive proposal for implementing the plan. Among other things, the proposed plan must allow private sector employees to have a portion of their wages automatically deposited into state-administered individual retirement accounts with a guaranteed rate of return.

([HB 5597](#), §§ 180-185, effective July 1, 2014)

### ***Regenerative Medicine Research Fund***

The legislature broadened the scope of the existing Stem Cell Research Fund to include regenerative medicine research and renamed the fund accordingly. It (1) authorized up to \$10 million in GO bonds each year from FY 16 to FY 19; (2) shifted the responsibility for administering the fund from the Department of Public Health (DPH) to Connecticut Innovations, Inc., the state's quasi-public economic development agency; and (3) retained the existing advisory committee, but

changed the members' required qualifications to reflect the inclusion of regenerative medicine research.

([sSB 29](#), §§ 22 & 23, 32-40, & 88, effective October 1, 2014, except that the provision authorizing new bonds for the fund takes effect July 1, 2015 and other provisions take effect July 1, 2014)

## **CHILDREN AND FAMILIES**

### ***Birth Certificates***

A new law expands certain adoptees' access to their original birth certificates. It requires DPH to give adopted individuals at least age 18 whose adoptions were finalized on or after October 1, 1983, or their adult children or grandchildren, uncertified copies of the adoptee's original birth certificate on request. This requirement applies starting July 1, 2015. Prior law barred access to such original birth certificates without a probate court order.

The act makes certain changes to the process for people adopted before October 1, 1983, or other authorized applicants, to request the original birth certificate through a court order. It also creates a voluntary procedure for biological parents to complete a Department of Children and Families (DCF) form indicating whether they

want to be contacted by their adopted adult children or the adoptees' adult children or grandchildren.

([sHB 5144](#), most provisions take effect July 1, 2015)

### ***Concussion Prevention and Sudden Cardiac Arrest Awareness***

The legislature passed two laws aimed at increasing awareness and prevention of injuries and illnesses among student athletes. The laws deal with concussions and sudden cardiac arrest. Both laws require students' parents or guardians to give their written consent before schools can allow the student to take part in an athletic activity.

The law on concussions requires coaches or other qualified school employees to notify a parent or guardian when a student is removed from play for a concussion or suspected concussion. It also requires the state Board of Education (SBE) to develop a concussion education plan that athletes and their parents must complete before the athlete can participate in school sports.

The sudden cardiac arrest law requires SBE to develop a sudden cardiac arrest awareness program and, starting with the July 1, 2015 school year, coaches to annually review the program before beginning their coaching assignments.

(Concussions, [PA 14-66](#), effective July 1, 2014; Sudden Cardiac Arrest, [sSB 229](#), effective October 1, 2014)

### ***Guardians Ad Litem and Attorneys for Minor Children in Family Matters***

A new law makes several modifications to laws related to the appointment of guardians ad litem (GALs) and counsels for minor children (CMC). Among other things, it:

1. establishes new procedures for courts to follow when appointing GALs and CMCs in family relations and other matters;
2. allows parties to (a) request the appointment of a specific GAL or CMC, with a written agreement, or (b) choose one from a list of 15 provided by the court;
3. requires the court to include in its orders, the GAL's or CMC's fee schedule and a proposed schedule for periodic court review;
4. requires GALs and CMCs to file an affidavit with the court on the hours and expenses billed which must become a part of the case file;
5. allows parties, in certain cases, to file a motion to seek removal of a GAL or CMC;
6. establishes new compensation requirements, including the calculation of fees on a sliding-scale basis; and
7. requires the Judicial Branch to develop a (a) GAL and CMC professional code of conduct and (b)



publication on GALs' and CMCs' roles and responsibilities in family relations matters.

([PA 14-3](#), effective October 1, 2014, except for provisions on the (1) Judicial Branch's publication, which is effective July 1, 2014 and (2) GAL and CMC professional code of conduct, which is effective upon passage)

### ***Human Trafficking Victims***

This law expands the actions DCF can take to help children it identifies or believes are victims of trafficking to include (1) providing services, (2) forming multidisciplinary teams to review trafficking cases, and (3) providing training to law enforcement officers about trafficking. It additionally expands the category of children a court may find to be "uncared for" to include child-trafficking victims.

([sHB 5040](#), effective October 1, 2014)

### ***Mandated Reporters***

A new law expands the mandated reporter list to include any paid youth camp director or assistant director and any person age 18 or older who is a paid (1) youth athletics coach or director; (2) private youth sports organization, league, or team coach or director; or (3) administrator, faculty, or staff member, athletic coach, director, or trainer employed by a public or private higher education institution, excluding student employees.

([sHB 5040](#), effective October 1, 2014)

### ***Sale of Electronic Cigarettes to Minors***

The legislature made it illegal for a minor (under age 18) to buy or possess in public an "electronic nicotine delivery system" or "vapor product" ("e-cigarettes") and for anyone to sell, give, or deliver one to a minor. The new law subjects violators to some of the same penalties existing law already imposes on those who commit similar violations regarding tobacco cigarettes.

It also tightens the law pertaining to the sale of tobacco cigarettes to minors by extending the look-back period for determining if a prior offense occurred from 18 to 24 months. At the same time, it makes this law more lenient for first offenders by waiving the civil penalty for those who successfully complete an online tobacco education course.

([sSB 24](#), effective October 1, 2014)

### ***State-Wide Sexual Abuse and Assault Awareness Program***

The legislature enacted a law that requires, by July 1, 2015, DCF, together with the state Department of Education (SDE) and Connecticut Sexual Assault Crisis Services, Inc., or a similar organization, to identify or develop a statewide sexual abuse and assault awareness and prevention program for use by regional and local school boards. The school boards must implement the program by October 1, 2015.

([sSB 203](#), effective July 1, 2014)



## **CONSUMER PROTECTION**

### ***Pharmacies***

A new law makes several changes to the state's pharmacy laws. Generally, it gives the Department of Consumer Protection (DCP) more oversight over sterile compounding pharmacies and requires these pharmacies to comply with the latest relevant pharmacopeia standards. It bans the sale and delivery of certain counterfeit substances not already covered by existing law and grants DCP additional investigatory and enforcement authority. It also broadens the categories of nonresident pharmacies that must register in Connecticut and comply with pharmacy reporting requirements. Finally, the new law establishes procedures for prescribing practitioners and pharmacists when dispensing drugs that cannot be substituted with a generic version.

([sHB 5262](#), effective July 1, 2014)

## **CRIMINAL JUSTICE**

### ***Civil Protection Orders***

A new law allows the Superior Court to issue civil protection orders to an applicant who (1) is a victim of sexual abuse, sexual assault, or 1st, 2nd, or 3rd degree stalking; (2) has not obtained any other court order of protection arising out of the abuse, assault, or stalking; and (3) does not qualify for relief under a civil restraining order, which is limited to family and household members. The new law

makes criminal violation of a civil protection order a class D felony punishable by up to five years in prison, a fine of up to \$5,000, or both. It also expands the chief court administrator's automated protective orders registry to include civil protection orders.

([HB 5597](#), §§ 186-190, effective January 1, 2015)

### ***Civil Restraining Orders – Financial Orders***

A new law broadens the measures that the court, under certain circumstances, may include in a civil restraining order (which are civil orders available to family and household members who are victims of certain types of abuse or threats). Under the law, the court may, for example, issue an order (1) prohibiting the respondent from taking any action that could result in shutting off necessary utility services or (2) requiring the respondent to make rent or mortgage payments on the family home. The law increases the penalty for criminal violation of a civil restraining order from a class D felony to class C felony when the violation involves (1) imposing any restraint on the person or the person's liberty or (2) threatening, harassing, and assaulting the person. A class C felony is punishable by up to 10 years in prison, a fine of up to \$10,000, or both. It also establishes a task force to study service of restraining orders that pertain to family and household members.

([HB 5597](#), §§ 120-129, effective January 1, 2015, except for the task force provision, which is effective upon passage)

### ***Domestic Violence, Sexual Assault, and Teen Dating Violence***

A new law makes numerous changes to the various laws that govern family violence, domestic violence, sexual assault, and dating violence. It:

1. imposes a mandatory minimum penalty for sexual assault in spousal or cohabiting relationships;
2. expands the circumstances under which the court may issue a standing criminal protective order;
3. makes it a crime to maliciously reveal the confidential location of an emergency shelter;
4. requires the chief court administrator to (a) ensure that the Judicial Branch's training program includes information on the unique characteristics of family violence crimes and (b) allow one or more family violence victim advocates to provide services to victims of domestic violence in the Superior Court's family division; and
5. requires local and regional boards of education, as well as the SDE, to address teen dating violence in schools in the same way that existing law requires them to address bullying.

([HB 5593](#) and [HB 5597](#), § 191, most provisions take effective October 1, 2014)

### ***Warrants to Use GPS Tracking and for Out-of-State Data***

A new law requires police to get a warrant from a judge in order to install a tracking device (like GPS) to track someone. The police must have probable cause that the person has or will commit a crime. The law sets procedures to apply for and obtain the warrant that are similar to those for other warrants. The warrant can authorize the officer to install the device within 10 days and collect data through the device for up to 30 days after installation (a judge can extend this period for 30 more days).

The same new law also allows a judge to issue a warrant for records or data possessed by an out-of-state entity that does business in Connecticut (such as those that provide electronic communication and remote computing services).

([sHB 5586](#), effective October 1, 2014)

### **DRIVING UNDER THE INFLUENCE**

#### ***Ignition Interlock Devices (IID)***

A new law makes a number of changes affecting driving under the influence, drivers' license suspensions, and IID requirements. It reduces the various license suspension periods for administrative per se violations to 45 days, but imposes ignition interlock

requirements after the suspension ends. The IID requirement ranges from six months to three years, depending on certain factors (such as whether it is a first or subsequent suspension).

Among other things, the act also (1) eliminates the 90-day waiting period for a special operator's permit for a first administrative per se violation of refusing to submit to a blood alcohol content test and (2) potentially extends the required license suspension period for someone who fails to use an IID as required.

([sSB 465](#), effective July 1, 2015)

## **EDUCATION AND SCHOOLS**

### ***Creating the Office of Early Childhood***

This law creates the Office of Early Childhood (OEC) as the lead agency for the early care and education of young children. It makes it responsible for administering the early childhood programs previously administered by the departments of Education, Social Services, and Public Health. Previously, this office existed under the 2013 budget act and Executive Order No. 35 (June 24, 2013). The new law creates the office in statute with all the necessary powers and the authority of a state department.

The new law assigns to OEC a number of major programs and duties, most of which were already OEC's responsibility under the executive order.

([PA 14-39](#), effective upon passage for the creation of OEC, and July 1, 2014 for the transfer of programs)

### ***EpiPen Storage and Administration***

A new law requires schools to designate and train nonmedical staff to administer emergency epinephrine in cartridge injectors ("EpiPens") to students having allergic reactions who were not previously known to have serious allergies. It authorizes the emergency use of EpiPens by nonmedical staff only if (1) the school nurse is not present or available and (2) certain conditions are met.

The law requires qualified school employees, selected by the school nurse or principal, to be trained and authorized in EpiPen administration. It also requires schools to (1) have at least one qualified professional on the school grounds during regular school hours and (2) maintain a stock of EpiPens for emergency use.

([sHB 5521](#), effective July 1, 2014)

### ***Preschool Programs***

This session, the legislature passed laws to create new grants encouraging (1) local and regional boards of education to create new preschool programs and (2) towns and regional school readiness councils to create new preschool seats in existing school readiness programs.

**Smart Start.** The legislature created the Connecticut Smart Start competitive grant program, to be designed and administered by OEC in consultation with SDE, to reimburse boards of education with capital and operating grants for expenses related to establishing or expanding a preschool program. From FY 15 to FY 24, boards may receive (1) a capital grant of up to \$75,000 per classroom to renovate an existing public school to accommodate or expand a preschool program and (2) an annual grant for operating expenses, either in an amount up to (a) \$5,000 per child served by the program or (b) \$75,000 per classroom, for a period of five years, as long as the program continues to meet standards established by the OEC commissioner. No town may receive more than \$300,000 in Smart Start grants annually, and boards may apply for grant renewal after the five-year period expires.

The OEC commissioner must review Smart Start applications and award grants to boards that (1) demonstrate the greatest need for preschool establishment or expansion and (2) allocate a minimum percentage of spaces to children who are from low income families or eligible for free and reduced-price lunches.

Another new law funds Smart Start using \$10 million per year from the Tobacco Settlement Fund for operating

grants to municipalities and \$105 million in bond authorizations for capital grants over 10 years.

([PA 14-41](#), [sSB 29](#), [§ 25](#), and [HB 5597](#), [§ 138](#), effective July 1, 2014)

**School Readiness.** The legislature required OEC to create a new school readiness grant to enable towns and regional school readiness councils to (1) start up new school readiness classrooms and (2) provide spaces to eligible children in school readiness programs that are accredited or seeking accreditation. The budget funds 1,020 new spaces for this grant in FY 15.

([PA 14-39](#), [§ 582](#), effective July 1, 2014)

### **Safe School Climate Plans**

A new law requires SDE to approve or reject a local or regional board of education's safe school climate plan (each board's mandatory anti-bullying policy) within 30 days of receiving it and, in the event it is rejected, requires the board to resubmit the plan for approval. The new law specifies other related steps that SDE and the local or regional board must take whether the plan is approved or rejected. Under the law, only boards that have not previously had plans approved must submit them.

Prior law required boards of education to use surveys to collect information on bullying prevention and intervention in school as part of their school climate

assessment. This law also specifies that districts must (1) use a survey that contains uniform grade-level appropriate questions to collect student perspectives and opinions about their school climate and (2) allow students to anonymously complete and submit the assessments and surveys.

([sHB 5564](#), effective upon passage)

### **School Security Infrastructure Grant Program**

The state's competitive school security grant program reimburses towns for certain expenses they incur in improving their school security infrastructure. A new law expands the program and increases its bond authorization from \$15 million to \$37 million. The new law expands the program beginning in FY 15 to include Regional Educational Service Centers, state charter schools, technical high schools, private schools, and endowed academies (i.e., Gilbert School, Norwich Free Academy, and Woodstock Academy).

The new law also expands the security infrastructure eligible for reimbursement to include additional types of communications and multimedia sharing infrastructure.

([sSB 29](#), effective upon passage, except for the bond authorization, which is effective July 1, 2014)

### **Sheff v. O'Neill – 2013 Stipulation**

A new law contains numerous provisions intended to carry out the newest phase of *Sheff v. O'Neill*, the ongoing Hartford school desegregation court case. In December 2013, the state and the *Sheff* plaintiffs reached a new agreement regarding additional efforts to integrate Hartford schools. It was formalized in court as a stipulation and order. The stipulation requires the state to take numerous steps which the new law authorizes and the budget act funds.

The new law creates (1) a program for the Hartford school district to receive an annual \$750,000 grant to convert an existing neighborhood school into a *Sheff* lighthouse school, which is a school with program enhancements, and (2) a grant of up to \$250,000 to the Hartford school district for program development and expansion of the Dr. Joseph S. Renzulli Gifted and Talented Academy. It also authorizes SDE to pay a school construction reimbursement rate of 95%, rather than the standard 80%, for three Capitol Region Education Council (CREC) magnet school construction projects that are part of *Sheff*. Furthermore, SDE is authorized to pay the local share of these three projects (i.e., the remaining 5%). Normally, towns and school districts must pay a share of school construction costs. The new law also exempts CREC

from lien or repayment of capital startup cost grants for two other projects.

The new law revises the definition of racial diversity under the interdistrict magnet school law as it applies to *Sheff*. Under the new law, Asians, Alaskan Natives, Native Americans, and Pacific Islanders will not be counted as racial minorities, but will count as non-minorities. This makes it easier to reach the racial goals of *Sheff* because some students who used to count as minority will now count as non-minority.

([HB 5597](#), §§ 89-106, effective July 1, 2014 except the increased school construction reimbursement rate capital startup cost forgiveness is effective upon passage; [PA 14-47](#), effective July 1, 2014)

## **ENERGY AND UTILITIES**

### ***Consumer Protections***

New legislation makes several changes to laws regulating the electricity market for residential customers. In this market, residents may choose to purchase electricity from electric companies at the standard service rate or from electric suppliers at an electric generation service rate that may be variable.

The new law prohibits electric suppliers from raising rates for the first three billing cycles of new supplier contracts entered into on or after July 1, 2014. It also requires suppliers to notify

residential customers in advance of certain rate changes and prohibits them from charging cancellation or early termination fees to residents who (1) move within the state and do not change suppliers or (2) lack a contract with a supplier and receive month-to-month variable rates. It decreases the cap on such fees and requires electric companies to switch a customer from a supplier's service to standard service within 72 hours of the customer's request.

The new law prohibits and restricts certain marketing practices of electric suppliers and also requires the Public Utilities Regulatory Authority (PURA) to develop and implement additional standards for certain practices, including abusive switching practices, telemarketing, door-to-door sales, and the hiring and training of sales representatives. It also requires (1) electric companies and electric suppliers to distribute certain rate information in bills and mailings and (2) electric suppliers to disclose information on their highest and lowest rates charged in the last year.

([sSB 2](#), effective upon passage, except for the provisions (1) requiring supplier disclosure of the highest and lowest electric generator service rates and (2) prohibiting suppliers from increasing rates in the first three billing cycles, which are effective July 1, 2014)



### ***Utility Tree Trimming***

A new law makes several changes to the process that telephone, telecommunications, and electric distribution companies (“utilities”) must follow before conducting vegetation management (pruning or removing any trees or shrubs around their poles and wires). Among other things, it:

1. requires a utility to obtain written affirmative consent from a private property owner before conducting vegetation management on the owner’s property;
2. expands the information a utility must include in its notice to property owners about proposed vegetation management to include (a) instructions on how to object and (b) notice that a property owner may suggest modifications to the utility’s proposal;
3. places the burden of proof on a utility if an abutting property owner objects to its proposed vegetation management and the case is appealed to PURA; and
4. requires PURA to study, and eventually allow, parties to mediate their disputes over proposed vegetation management before PURA hears appeals over the disputes.

([sHB 5408](#), effective upon passage)

## **ENVIRONMENT**

### ***Connecticut Resources Recovery Authority Dissolution***

The legislature passed a new law that dissolves the Connecticut Resources Recovery Authority and establishes the Materials Innovation and Recycling Authority (MIRA) as its successor. The law revises the authority’s activities, powers, and purposes and requires the Department of Energy and Environmental Protection (DEEP) commissioner, with MIRA, to seek proposals to redevelop the Connecticut Solid Waste Management System Project.

([sSB 357](#), §§ 1, 3-8, 15, & 17 most provisions are effective upon passage)

### ***Fracking Waste Moratorium***

A new law establishes a moratorium on hydraulic fracturing waste in Connecticut until the DEEP commissioner adopts regulations to (1) control it as a hazardous waste and (2) impose certain licensing and information disclosure requirements. The moratorium applies to any person accepting, receiving, collecting, storing, treating, disposing, and transferring between vehicles or modes of transportation any hydraulic fracturing waste. It also includes the sale, manufacture, and distribution of de-icing and dust suppression products derived from or containing these wastes.

([sSB 237](#), effective July 1, 2014)



### ***State Water Plan***

A new law requires the state's Water Planning Council (WPC) to, within available appropriations, prepare a state water plan by July 1, 2017, replacing the state's long-range water resources management plan, which was never developed. It (1) prescribes the WPC's tasks in developing the plan, (2) establishes the plan's required content, (3) creates a procedure for public notice and comment, and (4) requires the plan to be submitted to the General Assembly for review and approval.

([sHB 5424](#), most provisions take effect July 1, 2014)

## **GOVERNMENT ADMINISTRATION**

### ***False Claims Act Expansion***

A new law expands the Connecticut False Claims Act to prohibit anyone from knowingly filing false or fraudulent claims for payment or approval under any state-administered health or human services programs, not just Department of Social Services (DSS) medical assistance programs. By law, the attorney general is authorized to investigate any alleged violations and a person who violates the act must pay a civil penalty and other fines.

([HB 5597](#), §§ 1-18, effective upon passage)

### ***Judges' Pensions***

A new law reduces the pension benefit for certain judges, family support magistrates, and compensation commissioners based on when they took office and their years of state service. For those officials who start serving on or after July 1, 2014, and retire with less than 10 years of state service, the new law reduces pension benefits by 10% for each year less than 10 years of service. The law also prohibits any judge from receiving more than one pension benefit as a result of his or her employment with the state.

([HB 5597](#), § 252, effective upon passage)

## **HEALTH SERVICES**

### ***APRN Independent Practice***

A new law allows advanced practice registered nurses (APRNs) to practice independently if they have been licensed and practicing in collaboration with a physician for at least three years and 2,000 hours. Under prior law, APRNs had to work in collaboration with a physician, including having a written agreement regarding the APRN's prescriptive authority.

Among other changes affecting APRNs, the legislature also passed laws requiring (1) APRNs to meet certain continuing education requirements and (2) disclosures by certain medical manufacturers who provide payments or other transfers of value to APRNs.

([PA 14-12](#), as amended by [sHB 5537](#) and [HB 5597, §§ 75 and 158](#); the independent practice provisions are effective July 1, 2014)

### ***Emergency Medical Services***

A new law makes several changes concerning emergency medical services (EMS) and primary service area responders (PSARs). It requires municipalities to update their local EMS plans as they determine necessary and consult with their PSAR when doing so. It requires DPH, at least every five years, to review local EMS plans and PSARs' provision of services under them, and to then rate the responders' performance. A "failing" rating has various consequences, including possible removal as PSAR if the responder fails to improve.

The new law makes changes to the process for municipalities to petition for a PSAR's removal, including defining what constitutes a "performance crisis" or "unsatisfactory performance" for this purpose. It requires municipalities seeking a change in their PSARs for specified reasons to submit to DPH alternative local EMS plans and the names of recommended replacements.

It also requires a PSAR to notify DPH before selling its ownership interest or assets, and requires the buyer to obtain DPH's approval.

([HB 5597, §§ 19-22](#), effective October 1, 2014, except the provisions on PSAR sales and buyer approval are effective upon passage)

### ***Hospitals, Health Care Institutions, and Physician Group Practices***

A new law makes various changes affecting transactions involving hospitals and certain medical practices. It allows for-profit hospitals and health systems to organize and become members of medical foundations; existing law already allowed such nonprofit entities to do so.

It makes certain changes affecting the approval process for sales of nonprofit hospitals to for-profit entities. For example, it (1) requires an additional public hearing earlier in the process and (2) specifically allows the attorney general and DPH commissioner to place conditions on their approval of the transaction.

It requires parties to transactions that materially change the business or corporate structure of a physician group practice to notify the attorney general. It also requires notice by parties to transactions involving a hospital, hospital group, or health care provider that are subject to federal antitrust review.

Among other changes affecting the certificate of need (CON) process, it requires a CON for a transfer of

ownership of a group practice of eight or more physicians to a hospital or certain other health care entities.

([SSB 35](#), various effective dates)

## HIGHER EDUCATION

### ***Connecticut State University System (CSUS) Funding***

The bond act (1) authorizes \$103.5 million in new bonding under the Connecticut State University System 2020 infrastructure program, (2) renames the program the Connecticut State Colleges and Universities 2020 program, and (3) expands the program to include the community colleges and Charter Oak State College.

([SSB 29](#), effective July 1, 2014)

### ***Go Back to Get Ahead***

A new law establishes this program to encourage Connecticut residents to return to a higher education institution and earn a degree, specifically those who (1) dropped out of an associate's or bachelor's degree program or (2) received an associate's degree and seek to advance their educational attainment.

Administered by the Board of Regents for Higher Education, the program allows eligible participants to receive up to three free three-credit courses required to complete an associate's or bachelor's degree program. Eligible students must not have attended any college or university for at least 18

months, as of June 30, 2014, and must enroll in a program at a CSUS institution, a Connecticut community college, or Charter Oak State College by September 30, 2016.

([HB 5597](#), § 176, effective July 1, 2014)

### ***Remedial Support***

A new law increases the remedial support the four CSUS institutions and 12 regional community-technical colleges (CTCs) must offer to make students college-ready. It requires these institutions to offer a three-tiered remediation system to eligible students using supports and programs both embedded in, and independent of, required coursework. Remediation tiers consist of embedded, intensive, and transitional support.

Prior law prohibited CSUS and CTCs from offering any remedial support to eligible students beginning in fall 2014, unless it was embedded support or part of an intensive college readiness program, with a maximum of one semester of non-embedded support. The new law instead requires CSUS and CTCs to provide support under the tiered system.

The new law delays, from fall 2014 to fall 2015, the requirement that CTCs provide embedded remedial support in entry-level classes. Under prior law, both CTCs and CSUS would have been required to provide embedded support beginning fall 2014. The new law also

requires both CSUS and CTCs to provide intensive and transitional remedial support beginning in fall 2015.

([HB 5597](#), § 209, effective July 1, 2014)

### ***Sexual Assault and Violence on Campus***

Existing law requires public and independent higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. Institutions must also offer sexual assault and intimate partner violence primary prevention and awareness programming and campaigns.

A new law expands the scope of these policies and programs by requiring (1) for-profit institutions licensed to operate in Connecticut to comply with them and (2) the policies and programs to address (a) stalking and (b) conduct aimed at the institutions' employees. It also requires all institutions (public, independent, and for-profit), after a reported incident, to immediately provide concise written notification to each victim regarding his or her rights and options under the institution's policy or policies.

The new law also requires all higher education institutions to:

1. report annually to the Higher Education and Employment Advancement Committee concerning their policies, prevention and awareness programming, and

campaigns, and the number of incidents and disciplinary cases involving sexual assault, stalking, and intimate partner violence;

2. establish a campus resource team to review their policies and recommend protocols for providing support and services to students and employees who report being victims; and
3. enter into a memorandum of understanding with at least one community-based sexual assault crisis service center and one community-based domestic violence agency.

([PA 14-11](#), effective July 1, 2014)

## **HOUSING**

### ***Renter's Rebate Program***

A law enacted during the 2013 session suspended the renter's rebate program by closing it to applicants who (1) did not receive a rebate in calendar year 2011 or (2) received a rebate in calendar year 2011, but not in a subsequent year.

A new law lifts the suspension and re-opens the program to new applicants. The renters' rebate program provides partial rent and utility rebates to low-income elderly and people with total and permanent disabilities.

([HB 5597](#), §§ 48-54 & 258, effective upon passage and applicable to rebate applications made on or after April 1, 2014)

## **INSURANCE**

### ***Breast Ultrasound Copayment***

A new law prohibits health insurance policies from imposing a copayment of more than \$20 for a breast ultrasound screening for which the policies are required to provide coverage. By law, policies must cover a breast ultrasound screening if a (1) mammogram shows dense breast tissue or (2) woman is at an increased risk for breast cancer.

([sSB 10](#), effective January 1, 2015)

### ***Long-Term Care Premium Increases***

A new law requires long-term care (LTC) insurance policy issuers (carriers) to spread premium rate increases of 20% or more over at least three years. It also requires LTC carriers to notify individual policyholders and group certificate holders of (1) a premium rate increase and (2) the option of reducing benefits to reduce the premium rate.

([PA 14-10](#), effective October 1, 2014)

### ***Property and Casualty Insurance***

This new law makes changes to property and casualty insurance laws. Among other things, it:

1. bars insurers from refusing to issue or renew a homeowners' policy solely because the insured failed to (a) install any type of storm shutters on a residential dwelling, rather than just permanent shutters, or (b) have storm shutters on the premises of the dwelling;

2. extends the deadline for filing a suit or action to recover a claim under a standard fire insurance policy from 18 to 24 months after a loss; and
3. allows certain insurers to provide flood insurance on a less-than-statewide basis.

([sHB 5502](#), various effective dates)

## **MUNICIPALITIES**

### ***Revaluation Delay***

A new law, among other things, authorizes municipalities to delay a revaluation scheduled to be implemented in the 2013 or 2014 assessment year until, at the latest, the 2015 assessment year. It allows a similar delay for municipalities phasing in assessment increases from an earlier revaluation.

([PA 14-19](#), effective upon passage)

## **PUBLIC SAFETY**

### ***Tasers***

A new law requires the Police Officer Standards and Training Council (POST), by January 1, 2015, to develop and promulgate a model policy that provides guidelines on the use of electronic defense weapons by police officers. It requires the State Police and local police departments that authorize police officers to use such weapons to (1) adopt and maintain a written policy, by January 31, 2015, that meets or exceeds the model policy and (2)

require officers to document their use of the weapons. It requires agencies that authorize the use of the weapons to report specified data on their use to OPM annually, and OPM to post the data on its web site. Agencies that do not authorize the use of the weapons must inform OPM annually of their policy.

([sHB 5389](#), effective October 1, 2014 for POST to develop its policy and standardized reporting form; January 1, 2015 for the remaining provisions)

## **SOCIAL SERVICES**

### ***DSS Administrative Hearings***

A new law makes several changes to the procedures DSS must follow when conducting an administrative hearing for an appeal of a department decision, including (1) allowing more people to request a hearing and making it easier for them to do so and (2) broadening the circumstances in which the aggrieved person may be excused from appearing personally at the hearing.

Under the new law, if DSS hears a contested case and has an adverse interest to any party in the proceeding, the hearing officer cannot communicate directly or indirectly with any other DSS employee, including counsel, about any issue of fact or law in the hearing without advance notice and opportunity for all parties to participate on the record.

([sSB 410](#), effective October 1, 2014).

### ***Medicaid Estate Recovery***

The state has a claim against the estates of former public assistance recipients, including Medicaid recipients, to recover the cost of assistance provided. A new law exempts from this provision, to the extent federal law allows, Medicaid recipients in the Medicaid Coverage for the Lowest Income Populations (MCLIP) program. The exemption applies to services provided on or after January 1, 2014.

For this population, federal law requires states to recover costs from the estates of Medicaid recipients who, at age 55 or older, received (1) nursing facility services, (2) home- and community-based services, or (3) related hospital and prescription drug services. Federal law allows states to recover any other services under the state Medicaid plan, except for services related to Medicare cost-sharing.

([HB 5597 § 76](#), effective upon passage)

### ***Medicaid Provider Audits***

A new law makes several changes to DSS processes for auditing Medicaid providers and facilities that receive Medicaid or other state payments. Principally, it (1) limits the circumstances in which DSS may extrapolate audited claims and (2) allows an audited provider or facility to present evidence to the commissioner or an auditor to refute the audit's findings. For auditing purposes, it also



requires DSS and DSS-contracted auditors to have on staff or consult with, as needed, health care providers experienced in relevant treatment, billing, and coding procedures.

([sHB 5500](#), effective July 1, 2014)

### ***Nursing Home Transparency***

By law, every for-profit chronic and convalescent nursing home that receives state funding must submit a cost report to DSS annually. A new law requires them to include with the new report the most recent finalized annual profit and loss statement from any related party that receives \$50,000 or more for providing goods, fees, and services to the nursing home.

The new law defines “related party” to include companies related to the nursing home through a family association (i.e., a relationship by birth, marriage, or domestic partnership) or through common ownership, control, or business association with any of the owners, operators, or officials of the nursing home.

It also (1) prohibits anyone from bringing legal action against the state, DSS, or state employees or agents for not taking action as a result of information obtained by DSS in cost reports and (2) requires the Nursing Home Financial Advisory Committee to convene by August 1, 2014.

([PA 14-55](#), effective July 1, 2014, except for the advisory committee provisions, which are effective upon passage)

## **TRANSPORTATION**

### ***Connecticut Port Authority***

A new law creates a Connecticut Port Authority to coordinate the development and marketing of state ports, including the three deep water ports of Bridgeport, New Haven, and New London. At the same time, it creates a Port Authority Working Group to make recommendations to DECD on the port authority’s powers and duties.

It requires the DECD commissioner, after consulting with specified agencies, and within available appropriations, to (1) develop a plan to move the Connecticut Maritime Commission and DOT’s maritime functions to the authority and (2) review and make recommendations for state policies affecting the ports.

([sHB 5289](#), effective on passage except the provisions on the port authority are effective October 1, 2015)

### ***Fines for Harming a Vulnerable User of a Public Way***

This law creates a separate violation for a motorist travelling on a public way who fails to exercise reasonable care and seriously injures or causes the death of a vulnerable user (e.g.,



pedestrian, highway worker, cyclist).  
Any motorist charged with such a  
violation must be fined up to \$1,000.

([PA 14-31](#), effective October 14, 2014)

## **VETERANS AND SERVICE**

### **MEMBERS**

#### ***Military Occupational Specialty Taskforce***

A new law requires various governmental entities to certify, waive, grant, or award certain licenses, registrations, examinations, training, or credit for veterans or armed forces or National Guard members with military experience or qualifications similar to those otherwise required. For example, for qualified service members, the new law requires the (1) Police Officer Standards and Training Council to certify them as police officers and (2) Department of Emergency Services and Public Protection to waive security guard training.

([sHB 5299](#), most provisions effective October 1, 2014)

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