



2015 MAJOR PUBLIC ACTS



NOTICE TO READERS

The Office of Legislative Research (OLR), with the help of the Office of Fiscal Analysis, composed these brief summaries of the most significant, far-

reaching, and publicly debated acts passed by the General Assembly in its 2015 regular and special sessions. (This report has been revised since its original June 17, 2015 publication date to include additional Public Acts (PA) passed during the June Special Session.)

The new laws are listed by their PA numbers. Not all provisions of the acts are included in this report. Detailed summaries of these and all other PAs will be provided in our 2015 Public Act Summary Book, which will be available later this year.

More detailed summaries of the major acts can be found at <http://cga.ct.gov/olr>. OLR also produces a number of specific reports highlighting timely legislation in various policy areas, such as Acts Affecting Children, Seniors, the Environment, and Businesses and Jobs. These reports will also be available at the above website.

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BANKING

Student Loan Bill of Rights

A new law requires the banking commissioner, within available appropriations, to create a student loan borrower ombudsman position to provide timely assistance to student loan borrowers. It establishes:

1. the ombudsman's duties, including, within available appropriations, implementing and maintaining a prescribed student loan borrower education course;
2. a separate, nonlapsing account within the Banking Fund, which the commissioner may use to implement the ombudsman position and the education course; and
3. licensure requirements and standards of conduct for student loan servicers.

([PA 15-162](#), effective July 1, 2016, except for the sections on the implementation of the ombudsman position, which are effective October 1, 2015)

BIENNIAL BUDGET

FY 16 - FY 17 Budget Balance

The budget contains a \$0.8 million and \$2.5 million General Fund balance in FY 16 and FY 17, respectively.

Growth Rate

The FY 16 growth rate for the General Fund is 3.90% over FY 15 estimated expenditures. The FY 17 General Fund growth rate is 3.03% over FY 16.

Spending Cap

The budget is under the spending cap by \$8.1 million in FY 15, \$9.0 million in FY 16, and \$106.2 million in FY 17. Pursuant to [PA 15-244](#), § 35, these calculations reflect a five-year personal income growth rate calculated on a calendar year rather than a fiscal year basis and assume that appropriations for the unfunded liabilities of the State Employees' Retirement System, Judges, Family Support Magistrates and Compensation Commissioners Retirement System, and Teachers' Retirement System are exempt from being counted as general budget expenditures under the spending cap.

Town Aid

The budget increases funding for town aid by a net \$31.1 million in FY 16 and a net \$295.4 million in FY 17 over FY 15 estimated expenditures.

Budgeted Lapses (Bottom-Line Reductions)

The FY 16 and FY 17 budget includes bottom-line reductions of \$200.6 million in FY 16 and \$205.7 million in FY 17.

Revenue

The budget includes various policy changes that yield net General Fund revenue increases of \$802.1 million in FY 16 and \$664.4 million in FY 17.

Overall, in All Appropriated Funds, the budget yields an estimated net tax revenue gain of \$915.4 million in FY 16 and \$944.2 million in FY 17. This revenue gain is distributed between the General Fund, Special Transportation Fund (STF), and the Municipal Revenue Sharing Account (MRSA), which provides grants to municipalities. Over three fiscal years, the budget diverts up to 1.0% of the state's Sales and Use Tax from the General Fund equally to STF and MRSA.

Property Tax Initiative

The budget:

1. changes the reimbursement rates, and the basis for determining those rates, for the State Property Payment in Lieu of Taxes (PILOT) and College & Hospital PILOT grant programs;

2. caps the motor vehicle mill rate at 32 in FY 17, 29.36 in FY 18, and annually thereafter;
3. distributes a portion of sales tax revenue to municipalities; and
4. establishes an optional commercial property tax revenue sharing system for regional councils of government.

([PA 15-244](#), various effective dates.)

BONDING

The FY 16 capital budget authorizes \$2,386.5 million in new general obligation (GO) bonds and \$956.3 million in new special tax obligation (STO) bonds. The FY 17 capital budget provides \$2,293.8 million in new GO bonds and \$1,213.5 million in new STO bonds. The statutory GO bond cap calculation for FY 16 is 85.6%, and the calculation for FY 17 is 87.2%.

The bond act authorizes \$3,731.8 million in new GO bonds in FY 16 and FY 17 for various state capital projects and grant programs and cancels \$267.5 million in previously authorized GO bonds. The new authorizations include:

1. \$100 million over two years for grants-in-aid to alliance school districts,

2. \$13 million for grants-in-aid to municipalities and \$2 million for State Police in FY 16 for the purchase of on-body cameras for law enforcement officers,
3. \$20 million in FY 17 for a regional dog pound grant program with a 50% local match,
4. \$30 million over two years for the homelessness prevention and response fund,
5. \$20 million in FY 16 for a Long Island Sound stewardship and resiliency program,
6. \$20 million in FY 16 for a grant-in-aid program to encourage low-impact design of green municipal infrastructure to reduce non-point source pollution,
7. \$186.4 million over two years for projects at the Connecticut state colleges and universities,
8. \$120 million over two years for the Urban Action Program,
9. \$200 million over two years for the Manufacturing Assistance Act program, and
10. \$100 million over two years for the Small Business Express Program.

The bond act authorizes \$1,374.7 million in new STO bonds over two years for the transportation

infrastructure improvement program and cancels \$3.0 million in previously authorized STO bonds. It also authorizes a total of \$2,802 million in new STO bonds between FY 16 and FY 20 for the Let's Go Connecticut program.

([PA 15-1, June Special Session](#), various effective dates)

BUDGET RESERVE FUND

A new law establishes a mechanism for building the Budget Reserve (i.e., "Rainy Day") Fund, which the legislature uses as a hedge against budget deficits. The mechanism annually identifies and diverts projected surpluses in personal income and corporation business tax revenue to a restricted funds account, where it must be held until after the fiscal year for transfer to the Rainy Day Fund. The law also increases the Rainy Day Fund's maximum balance and allows it to be used for more purposes.

([PA 15-244](#), §§ 164-169, effective July 1, 2015)

BUSINESS AND JOBS

Employee Online Privacy

A new law generally prohibits employers from requesting or requiring an employee or job applicant to (1) provide the

employer with a user name, password, or other way to access the employee's or applicant's personal online account (e.g., Facebook); (2) authenticate or access such an account in front of the employer; or (3) invite, or accept an invitation from (e.g., "friend"), the employer to join a group affiliated with such an account. It bars employers from retaliating against employees or applicants who refuse to provide this access.

([PA 15-6](#), effective October 1, 2015)

Employees Sharing Their Wage Information

A new law prohibits employers from penalizing their employees for (1) disclosing or discussing their own wages or a co-employee's voluntarily disclosed wages or (2) asking about a co-employee's wages. It also bars employers from requiring an employee to sign a document that waives these speech rights.

([PA 15-196](#), effective July 1, 2015)

Paid Family Medical Leave Implementation Plan

A new law requires the labor commissioner to contract with a

consultant to create a plan to implement a paid family medical leave program. Among other things, the plan must identify any staffing, infrastructure, and capital needs for administering the program. It must also include mechanisms for (1) employees to contribute a portion of their salaries to fund the program, (2) timely claims processing and fraud prevention, and (3) timely benefit payments.

The commissioner must also (1) contract with consultants, by October 1, 2015, to perform an actuarial analysis of the employee contribution level needed to ensure the program has sustainable funding and administration and (2) report their results to the Labor and Appropriations committees by February 1, 2016.

([PA 15-5](#), June Special Session, § 413, effective upon passage)

Tax Credits for Business Investors

A new law (1) increases, from \$200 million to \$350 million, the amount of tax credits available to insurers that invest in Connecticut businesses through state-certified business investment funds and (2) changes some of the requirements that these funds must meet before insurers may claim the credits.

Among other things, the law requires the investment funds to invest at least 3% of their funds in cybersecurity businesses; 25% in businesses in cities with over 80,000 people; and at least 7%, instead of 3%, in pre-seed businesses. The funds must continue to invest at least 25% of their capital in green technology business.

([PA 15-244](#), § 171, effective July 1, 2015)

CHILDREN AND FAMILIES

Seclusion and Restraint in Schools

A new law extends the use of restraints and seclusion in school settings, which previously applied predominantly to special education students, to most public school students in grades kindergarten through 12.

It prohibits teachers, administrators, and other public school employees from using life-threatening physical restraints on any student, limits how long students may be kept in allowable physical restraints or seclusion, and specifies the types of locations in which a student may be secluded.

The law also bars school employees from using physical restraints on students or placing

students in seclusion, unless the employees have been properly trained in their respective school board's policies and procedures.

It requires school boards to (1) notify parents and guardians no later than 24 hours after a child has been placed in physical restraints or seclusion and (2) follow certain protocols with students placed in physical restraints or seclusion four or more times in 20 school days.

([PA 15-141](#), effective July 1, 2015)

Sibling Visitation and "Normal Childhood Activities"

A new law gives the probate court the authority to order post-adoption sibling visitation rights for adoptions that take place in that venue and requires the court to consider certain factors before making such a decision.

It also permits a caregiver to allow a child in his or her care under a Department of Children and Families (DCF) or court-ordered service or safety plan to participate in normal childhood activities without prior DCF or court approval. It defines "normal childhood activities" as extracurricular, enrichment, and social activities, including overnight activities outside

the caregiver's direct supervision for up to 48 hours.

([PA 15-199](#), §§ 1 & 18, effective (1) October 1, 2015 for provisions about sibling visitation and (2) July 1, 2015 for provisions about normal childhood activities)

CONSUMER PROTECTION

Alcoholic Liquor

A new law (1) increases the number of package store or druggist alcohol permits a permittee may own and (2) generally expands the hours for alcohol sales for off-premises consumption (e.g., sales by package and grocery stores).

It increases the number of such permits a permittee may own in two steps: (1) on July 1, 2015, from three to four and (2) on July 1, 2016, from four to five.

It also allows restaurant, café, and tavern alcohol permittees to sell at retail permittee-provided, sealed containers of draught beer (i.e., growlers) for off-premises consumption.

([PA 15-244](#), §§ 78-82, effective July 1, 2015)

Connecticut Unfair Trade Practices Act (CUTPA)

A new law increases, from \$5,000 to \$10,000, the maximum restitution amount the Department of Consumer Protection (DCP) commissioner may order a respondent (the subject of a hearing) to pay a consumer under CUTPA. CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. Among other things, it grants the DCP commissioner various investigatory and enforcement powers, including ordering restitution.

([PA 15-60](#), §8, effective October 1, 2015)

Sale and Manufacturing of Electronic Cigarettes

Beginning March 1, 2016, a new law requires electronic nicotine delivery system (e.g., electronic cigarette) dealers and manufacturers to register with DCP and annually renew their registration in order to sell or manufacture such systems or vapor products. It requires applicants to pay a nonrefundable \$75 application fee and, once registered, a \$400 annual fee.

([PA 15-244](#), §§ 108-111, most provisions effective January 1, 2016)

Security Freeze Fees

A new law prohibits credit rating agencies from charging certain fees related to credit freezes (i.e., those placing, removing, or temporarily lifting a freeze on a person's credit report) to:

1. an identity theft victim or his or her spouse, who submits a copy of a police report to the credit rating agency;
2. a person who submits a copy of a police report to the credit reporting agency and is covered by the identity theft victim's individual or group health insurance policy for certain hospital or medical expenses;
3. anyone under age 18 or age 62 or older;
4. anyone who has a court-appointed guardian or conservator; or
5. a person who provides evidence to the credit rating agency that he or she is a domestic violence victim.

([PA 15-53](#), § 9, effective upon passage)

Security Freezes for Children

A new law allows a parent or legal guardian of a minor (i.e., a person under age 18) to place a security freeze on the minor's credit report, which prohibits the credit rating agency from releasing

information in the report without a parent's or guardian's express authorization. To initiate a security freeze, a parent or guardian must request it in writing and provide the credit rating agency with proper identification and sufficient proof of authority to act for the minor.

([PA 15-62](#), effective October 1, 2015)

CRIMINAL JUSTICE

Drug Possession Penalties

A new law replaces the prior penalty structure for drug possession crimes, which punished possession of most types of illegal drugs as felonies. It creates a new structure that punishes possession of 0.5 ounces or more of marijuana or any amount of another illegal drug as a class A misdemeanor but allows the court to (1) suspend prosecution for a second offense and order treatment for a drug-dependent person and (2) punish third-time or subsequent offenders as persistent offenders, which subjects them to the penalties for a class E felony. It also reduces the enhanced penalty for drug possession near schools or day care centers from a two-year mandatory prison sentence to a class A misdemeanor with a required prison and probation sentence.

([PA 15-2](#), June Special Session, effective October 1, 2015)

Human Trafficking

A new law:

1. expands the crime of human trafficking by broadening the conditions under which the crime is committed when the victim is a minor (under age 18);
2. requires the Department of Public Health (DPH) to provide human trafficking victims the same services it must provide certain sexual assault victims under existing law;
3. expands the conditions under which a court must order the erasure of a juvenile's police and court records;
4. expands the list of crimes, including human trafficking, for which wiretapping may be authorized;
5. increases, from 20 to 22, the membership of the Trafficking in Persons Council; and
6. specifically allows the Office of Victim Services (OVS), under certain circumstances, to waive the two-year limitation on crime victim compensation applications for minors who are victims of human trafficking.

([PA 15-195](#), effective October 1, 2015)

Invasions of Privacy

A new law makes a number of changes to voyeurism crimes by:

1. expanding the conduct punishable as a voyeurism crime to cover, among other things, conduct sometimes referred to as "upskirting";
2. for all types of voyeurism crimes, increasing the penalty from a class D to a class C felony when the victim is under age 16 or the offender has a prior conviction of voyeurism or certain other crimes;
3. extending the statute of limitations for voyeurism under certain circumstances and increasing the possible probation term for certain types of voyeurism; and
4. extending to voyeurism victims three protections existing law gives to certain sexual assault victims about disclosure of their names, addresses, and other identifying information.

The law also creates a new crime of unlawful dissemination of an intimate image, which is sometimes referred to as "revenge porn." This new crime is a class A misdemeanor, punishable by up to one year in prison, a fine of up to \$2,000, or both.

([PA 15-213](#), effective October 1, 2015)

Juvenile Sentencing

A new law makes a number of changes related to sentencing and parole release of offenders who were under age 18 when they committed crimes, including:

1. retroactively eliminating (a) life sentences for capital felony and arson murder and (b) conviction for murder with special circumstances;
2. establishing alternative parole eligibility rules that can make someone eligible for parole sooner if he or she was sentenced to more than 10 years in prison;
3. requiring criminal courts, when sentencing someone convicted of a class A or B felony committed when he or she was between ages 14 and 18, to (a) consider certain mitigating factors of youth and (b) indicate the maximum prison term that may apply and whether the person may be eligible for release under the new law's alternative parole eligibility rules; and
4. prohibiting a child convicted of a class A or B felony from waiving a presentence investigation or report and requiring the report to address the same sentencing factors

the act requires a criminal court to consider.

([PA 15-84](#), effective October 1, 2015; the provisions regarding capital felony, murder with special circumstances, and arson murder apply regardless of when an offender is or was convicted)

Juvenile Justice

In addition to the juvenile sentencing changes noted above, the legislature enacted other changes affecting juvenile justice. For example, a new law changes when juvenile cases may or must be transferred to adult criminal court, including (1) eliminating automatic transfers for children ages 14 through 17 charged with certain class B felonies and (2) raising the minimum age, from 14 to 15, for the (a) automatic transfer for other class B felonies or more serious crimes and (b) discretionary transfer for felonies not subject to automatic transfer.

This law creates a presumption that mechanical restraints (e.g., shackles) will be removed from a juvenile during juvenile court proceedings before a determination of delinquency and specifies when restraints may be allowed. It also expands the Juvenile Justice Policy

and Oversight Committee's membership and responsibilities.

([PA 15-183](#), effective October 1, 2015)

Parole and Pardons

A new law allows the Board of Pardons and Paroles to consider an inmate for release on parole after an evaluation, but without a hearing, if he or she was convicted of a non-violent crime and the board does not know of any victim of the crime. It also expands the board chairman's authority to adopt regulations on an expedited pardons review process, in consultation with the board's executive director.

([PA 15-2](#), June Special Session, effective June 30, 2015 for expedited pardons requirements and July 1, 2015 for parole release without a hearing)

ECONOMIC DEVELOPMENT

Cybersecurity Industry Study

The legislature passed a special act requiring the Department of Labor, in collaboration with the Department of Economic and Community Development, to study the emerging cybersecurity industry in Connecticut. The departments must do so in three phases that (1) analyze the industry and identify its

stakeholders and barriers to growth, and report to the Commerce and Labor committees by October 1, 2015; (2) convene a cybersecurity forum by December 1, 2015; and (3) develop a growth plan for the industry, including legislative recommendations, and submit it to the Commerce and Labor committees by February 1, 2016.

([SA 15-21](#), effective upon passage)

EDUCATION AND SCHOOLS

Accountability Calculations

A new law creates alternative measures for the State Department of Education (SDE) to use when calculating school or district performance. Under prior law, these calculations were based on the weighted sum of a school's statewide mastery test scores for specific subject areas, known as a "school performance index" (SPI) and "district performance index" (DPI). Beginning with the 2015-16 school year, the act replaces SPI and DPI calculations with new measures known as an "accountability index" (AI) and a "performance index" (PI).

([PA 15-5](#), June Special Session, §§ 326-333, effective July 1, 2015)

Bilingual Education and English Language Learners (ELL)

A new law makes a number of changes regarding bilingual education and ELL students. It establishes a process under which, if certain criteria are met, a student may receive an additional 30 months beyond the previous maximum of 30 months (for a total of six school years) in a bilingual education program if the responsible board of education asks SDE for an extension and SDE agrees, using standards the law requires SDE to develop, that the extension is necessary.

Other changes include requiring SDE to:

1. establish an ELL pilot program for (a) three school districts with the highest number of ELL students and (b) the district with the highest percentage of ELL students,
2. develop state mastery examinations in the most common native languages of students eligible for bilingual education, and
3. annually report on the academic progress of students in bilingual education programs.

([PA 15-5](#), June Special Session, §§ 286-298, effective July 1, 2015)

Charter School Approval, Internal Governance, and Transparency

A new law (1) revises the state's process for granting charter school operators a binding charter, (2) expands the duties and responsibilities for charter school governing councils and charter management organizations (CMOs), and (3) increases charter school transparency under the Freedom of Information Act (FOIA).

The law removes the State Board of Education's (SBE) authority to grant charters to charter school applicants, replacing it with the authority to grant "initial certificates" that do not become effective charters until the legislature appropriates funding for the school. It also requires charter school governing councils, among other things, to have their members submit to child abuse and criminal history records checks, conduct these checks on their employees, and adopt anti-nepotism and conflict of interest policies.

Additionally, the law requires CMOs to share with their associated charter schools records and files related to school administration, which the law subjects to public disclosure under FOIA.

([PA 15-239](#), effective July 1, 2015)

Education Planning Commission and Strategic Master Plan

A new law establishes a 29-member Planning Commission for Education to develop and recommend the implementation of a strategic master plan that states a clear vision and mission for developing a sustainable, equitable, and high-quality public education system for Connecticut.

The commission must issue a preliminary report by April 15, 2016 and the strategic master plan by February 15, 2017. Both reports must be submitted to the Education and Appropriations committees and the governor.

([PA 15-5](#), June Special Session, § 263, effective July 1, 2015)

Innovation Waivers

A new law creates a process by which local and regional boards of education may obtain waivers from state statutory and regulatory requirements by demonstrating innovative ideas (i.e., “innovation waivers”). It establishes guidelines for granting and approving these waivers and requires participating boards and the education commissioner to produce progress

reports on the waivers’ success and recommend legislation based on their success.

([PA 15-5](#), June Special Session, § 301, effective July 1, 2015)

Minimum Budget Requirement (MBR)

A new law extends, for FYs 16 and 17, the MBR for local education spending and increases towns’ ability to lower their MBR. Under prior law, the MBR prohibited a town from budgeting less for education than it did in the previous year unless, and with limits, the town could demonstrate (1) decreased school enrollment or (2) savings through increased efficiencies.

The new law gives towns a greater ability to lower their MBR by (1) allowing for larger reductions for declining enrollment, (2) raising the cap on the amount by which a town can reduce its MBR, and (3) removing the limit on how many ways a town can qualify for MBR flexibility.

It also allows school districts that have academic performance scores in the top 10% of all districts in the state to reduce their education budget; however, it prohibits alliance districts from reducing their MBR.

([PA 15-99](#), effective July 1, 2015)

Preschool through Grade Two Suspension and Expulsion

A new law prohibits local and regional boards of education, interdistrict magnet schools, and charter schools from imposing out-of-school suspensions or expulsions on students enrolled in preschool programs or in grades kindergarten through two, with these exceptions:

1. permitting out-of-school suspensions for such students whose conduct is of a violent or sexual nature that endangers others,
2. requiring expulsions for preschool students who bring a firearm to school, and
3. requiring expulsions for kindergarten through grade two students who possess firearms or certain other weapons or sell or distribute controlled substances.

Additionally, the new law requires existing school-based primary mental health programs administered by local and regional boards of education to include a component for systematic early detection and screening to identify children experiencing behavioral or disciplinary problems.

([PA 15-96](#), effective July 1, 2015)

Protecting School Children

This new law increases, from a class A misdemeanor to a class E felony, the penalty for a mandated reporter who fails to report suspected child abuse or neglect to DCF if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge of the abuse, neglect, or sexual assault.

Among other things, it also:

1. expands the reporting requirement for school employees and subjects violators to the penalties described above;
2. extends the mandated reporter law's protection to high school students age 18 or older and not enrolled in an adult education program;
3. requires school employees to report to DCF suspected sexual assault of any student not enrolled in adult education by a school employee;
4. requires the (a) principal for each school under the jurisdiction of a local or regional board of education to annually certify to the superintendent that school employees completed

mandated reporter training and (b) superintendent to certify compliance to SBE;

5. requires each local or regional board to update its written policy and establish a confidential rapid response team to coordinate with DCF to ensure prompt reporting;
6. prohibits the boards from hiring noncompliant or convicted employees who were terminated or who resigned; and
7. requires SBE to revoke the certification, permit, or authorization of anyone convicted of certain crimes.

([PA 15-205](#), most provisions take effect October 1, 2015)

Special Education Initiatives

A new law establishing many special education initiatives requires SDE to purchase Individualized Education Plan (IEP) software and provide it free of charge to boards of education and the technical high school system. It also requires the education commissioner to design a new, user-friendly IEP form with the help of an advisory council.

Additionally, it requires the six regional education service centers to engage in studies, surveys, and working groups to examine regional special education funding and service models. It also requires the

State Education Resource Center to study assistive technology equipment sharing programs and the public auditors to examine the records and accounts of private providers of special education services.

([PA 15-5](#), June Special Session, §§ 264-285, effective July 1, 2015)

Student Assessments

A new law requires SBE, by January 1, 2016, to enter into an agreement with a provider of a nationally recognized college readiness assessment to provide and administer the reading, writing, and mathematics grade 11 examinations in Connecticut public schools if certain conditions are met, including federal approval. It eliminates the option of students taking these examinations in grade 10 and instead requires they be taken in grade 11. It also eliminates the option that the science examination be given in grade 11 and instead requires students to take this examination in grade 10.

The act also establishes the Mastery Examination Committee within SDE to study Connecticut's mastery test system and issue a report and recommendations to the Education Committee.

([PA 15-238](#), effective (1) upon passage for creation of the examination committee; (2) upon passage and applicable on and after the effective date of an agreement between SBE and a nationally recognized grade 11 college readiness assessment provider for the mastery examination statute changes; and (3) July 1, 2015 for the provision requiring SBE to enter into an agreement with a provider for the grade 11 readiness examination)

Winchester School District Receiver

A new law requires the education commissioner, by August 1, 2015, to appoint a receiver for the Winchester school district to be responsible for all aspects of school district governance and management and preparing the budget. All contracts and agreements, including collective bargaining agreements, made in the name of the Winchester Board of Education will be assigned to the receiver.

The act also requires the commissioner to enter into a repayment agreement with the town of Winchester or the Winchester school district for any overpayments of special education aid. Winchester may be granted a waiver for the

repayments if it applies for one and meets certain conditions.

([PA 15-5](#), June Special Session, §§ 302-305, effective July 1, 2015)

ELECTIONS

Election Administration

A new law requires that registrars of voters be certified and establishes a formal process for removing them from office. Under this process, the secretary of the state can seek removal by filing a statement with the State Elections Enforcement Commission (SEEC) if, in her opinion, a registrar engaged in misconduct, willful and material neglect of duty, or incompetence in office. The registrar is entitled to a full hearing in Superior Court. The law also authorizes the secretary to temporarily relieve of his or her duties a registrar who (1) fails to earn or maintain certification or (2) is the subject of an investigation resulting from a statement the secretary files with SEEC.

Among other things, the new law also:

1. gives municipalities broad authorization to enter into agreements to jointly perform election functions,
2. changes several deadlines associated with canvassing

election returns and submitting the official results to the secretary of the state,

3. moves the mail-in voter registration deadline from 14 to seven days before an election, and
4. requires that voter ID requirements be displayed in each polling place.

([PA 15-224](#), most provisions effective upon passage)

The Secretary of the State's Authority

Two new laws expand the secretary of the state's election administration authority. One requires that the secretary's regulations, declaratory rulings, instructions, and opinions be implemented, executed, and carried out, whichever applies. Prior law presumed that these written statements correctly interpreted and effectuated the administration of elections and primaries but did not explicitly require that they be followed.

The second new law authorizes the secretary of the state to issue an oral or written order, effective upon issuance, to any registrar of voters or moderator during a municipal, state, or federal primary, election, recanvass, or audit to correct an irregularity or impropriety related to

its conduct. The act presumes that the secretary's orders, like her written statements, correctly interpret and effectuate the administration of elections and primaries and requires that they be followed. The act also authorizes the Superior Court, upon application of the secretary or attorney general, to enforce such orders.

([PA 15-224](#), § 3, effective upon passage; [PA 15-5](#), June Special Session, § 445, effective January 1, 2016)

ENERGY AND UTILITIES

Fixed Charges on Residential Electric Bills

The next time an electric distribution company (i.e., Eversource or United Illuminating) files a request to amend its rates, a new law requires the Public Utilities Regulatory Authority to adjust the company's residential fixed charge so that it recovers only the fixed costs and operation and maintenance expenses directly related to metering, billing, service connections, and providing customer service. The new residential fixed charge must not cause a cost-shift to other rate classes.

([PA 15-5](#), June Special Session, § 105, effective July 1, 2015)

Long-term Energy Contracts

As natural gas has become cheaper, New England's electric generation fleet has become more reliant on it. A new law allows the Department of Energy and Environmental Protection (DEEP) to solicit long-term contracts for various resources, including natural gas pipeline capacity, renewable energy sources, hydropower, energy storage, and liquefied natural gas. DEEP may issue solicitations on behalf of Connecticut alone or in coordination with other states.

The DEEP commissioner may select one or more proposals and direct the electric companies to enter into long-term contracts. The new law requires the electric companies, through a charge on customer bills, to (1) recover net costs and (2) credit customers for net revenues from sales of products purchased through the contracts.

([PA 15-107](#), effective upon passage)

Residential Solar Expansion

A new law expands the Connecticut Green Bank's residential solar investment program by:

1. allowing it to support up to 300 megawatts (MW) of new residential solar photovoltaic

(PV) installations by the end of 2022;

2. requiring it to end on the earlier of December 31, 2022 or when it achieves 300 MW of installations;
3. creating solar home renewable energy credits (SHRECs), which are owned by the Green Bank and generated when certain residential PV systems produce electricity;
4. requiring electric distribution companies (EDC) (i.e., Eversource and United Illuminating) to purchase SHRECs from the Green Bank;
5. expanding the program's funding sources to include proceeds from the Green Bank's sale of SHRECs to the EDCs; and
6. allowing the EDCs to recover their costs for purchasing the SHRECs through their electric rates.

([PA 15-194](#), effective upon passage)

Variable Electric Rates

Starting October 1, 2015, a new law prohibits retail electric suppliers from entering into variable rate contracts for residential electric generation services or automatically renewing or causing such contracts to be renewed. Existing law, unchanged by the act, allows suppliers that meet certain notice

requirements and other conditions to charge residential customers a month-to-month variable rate after their contract expires.

([PA 15-90](#), effective upon passage)

ENVIRONMENT

Aquaculture Advisory Council

A new law establishes a 13-member Aquaculture Advisory Council to develop recommendations to expand the state's shellfish industry, among other things. The council must meet quarterly and, beginning July 1, 2016, report annually to the governor and Environment Committee.

([PA 15-5](#), June Special Session, § 116, effective July 1, 2015)

Long Island Sound Inventory and Plan

A new law establishes a process to inventory Long Island Sound's resources and uses and create a plan to preserve and protect the Sound. It establishes an advisory committee to help draft the inventory and plan and includes provisions for public involvement. The legislature must review and vote on the plan before it can take effect, and DEEP and other state or local agencies must consider it when

reviewing applications to conduct certain activities.

([PA 15-66](#), effective July 1, 2015)

Microbeads

A new law phases in, starting in December 2017, bans on manufacturing, importing, selling, or offering for sale personal care products and over-the-counter drugs with microbeads (i.e., synthetic solid plastic particles of five millimeters or less).

([PA 15-5](#), June Special Session, § 50, effective upon passage)

Operating a Vessel for Water Skiing

A new law restricts who may operate vessels for water skiing to people at least age 16 and who hold specified licenses and certificates, including DEEP-issued safe water skiing endorsement. The new law requires DEEP regulations to set out the content of safe boating operation courses to (1) require safe water skiing instruction and (2) provide procedures for issuing and revoking safe water skiing endorsements.

([PA 15-25](#), most sections effective October 1, 2015)

Another new law allows DEEP regulations to establish a fee for a safe water skiing endorsement and an alternative online course for the endorsement.

([PA 15-5](#), June Special Session, § 412, effective upon passage)

Pesticides

New legislation makes several changes in the law's requirements for applying pesticide, including lawn care pesticide, to municipal playgrounds, school grounds, and state agency property.

Municipal Playgrounds. The new law generally (1) requires that only certified applicators apply pesticide on these grounds and (2) bans lawn care pesticide applications. It exempts human health emergencies.

School Grounds. The new law exempts certain products from the existing ban on nonemergency lawn care pesticide use on the grounds of schools with students in grades eight or lower. It also (1) replaces postal notice with electronic notice of pesticide applications on school grounds for those who register for it and (2) requires notice through a website, social media, or alert system and in a handbook or manual.

State Agency Properties. It requires DEEP to adopt regulations on pesticide application record retention by state agencies, departments, and institutions.

([PA 15-5](#), June Special Session, §§ 436-440, effective (1) on October 1, 2015 for school notice and playground requirements and (2) upon passage for lawn care product exemption and state agency record retention provisions)

Sunday Deer Hunting on Private Property

A new law allows Sunday deer hunting with a bow and arrow on private land in overpopulated deer management zones as determined by DEEP. The hunting must be in accordance with DEEP's wildlife management principles and practices and cannot take place within 40 yards of a blazed hiking trail. The hunter must have the private landowner's written permission to hunt there and carry it while hunting.

([PA 15-204](#), effective October 1, 2015)

GAMBLING

Casinos

A new law creates a process to establish a possible off-reservation casino in Connecticut. Under this

process, the Mohegan and Mashantucket Pequot tribes, through a business entity owned exclusively by both tribes and registered with the secretary of the state to do business here, may (1) issue a request for proposals (RFP) to possibly establish the casino and (2) enter into a casino development agreement with a municipality that responds to the RFP. Any such agreement, as well as the establishment of the casino, is contingent upon state law being changed to allow the casino. If any court holds any provision of the act invalid, unlawful, or unconstitutional, the remaining provisions are inoperative and have no legal effect.

([SA 15-7](#), effective upon passage)

Keno

A new law allows the Connecticut Lottery Corporation (CLC) to offer keno games that are generally subject to the same requirements as other state lottery games. CLC may not operate keno until the state, through the Office of Policy and Management (OPM), enters into agreements with the Mohegan and Mashantucket Pequot tribes to operate the games.

([PA 15-244](#), §§ 103-106, effective July 1, 2015)

GOVERNMENT ADMINISTRATION

Access to Law Enforcement Records

A new law expands law enforcement agencies' disclosure obligations under FOIA for records of a person's arrest. It requires agencies to disclose the (1) arrest warrant application and supporting affidavits for arrests made by warrant or (2) official arrest, incident, or similar report for arrests was made without a warrant. If a judicial authority orders the affidavits or report sealed, in whole or in part, the agency must disclose (1) the unsealed portion, if applicable, and (2) a report summarizing the circumstances that led to the arrest, without violating the judicial authority's order. It establishes limited circumstances under which the agency may redact such records.

The new law also requires that, when a person's prosecution is pending, law enforcement agencies disclose under FOIA any public record that documents or depicts the person's arrest or custody, unless such disclosure is statutorily exempt. At all other times, the

applicable FOIA provisions govern record disclosure.

([PA 15-164](#), effective October 1, 2015)

Set-Aside Contracts

The general government implementer act subjects certain public works contracts awarded by municipalities to state set-aside requirements for small and minority contractors. It similarly applies these requirements to projects administered by certain entities receiving state assistance from quasi-public agencies. The act subjects contractors awarded such contracts to, among other things, (1) existing law's nondiscrimination and affirmative action requirements and (2) the Commission on Human Rights and Opportunities' enforcement authority.

([PA 15-5](#), June Special Session, §§ 58-71 & 88, most provisions effective October 1, 2015)

HIGHER EDUCATION

Implementation of Planning Commission Recommendations

A new law requires the state, Board of Regents of Higher Education, and UConn Board of Trustees to align their higher education policies with the goals of the Planning Commission for Higher

Education's strategic master plan for higher education. These goals aim to (1) increase the state's adult population education levels, (2) develop a globally competitive workforce and economy in the state, and (3) ensure higher education affordability.

The new law also requires the Higher Education Coordinating Council to use these goals when developing accountability measures for public institutions of higher education and assessing each institution's progress toward meeting the goals.

It also requires the Planning Commission, in collaboration with OPM, to establish working groups and consult with any existing working groups, commissions, or task forces to investigate and offer specific objectives identified by the commission or OPM, such as outcomes-based funding and workforce development.

([PA 15-75](#), effective July 1, 2015)

In-State Tuition Eligibility

A new law reduces, from four years to two, the number of years of high school education that students without legal immigration status must complete in Connecticut to

receive in-state tuition benefits at the state's public higher education institutions. The law also extends in-state tuition eligibility to nonimmigrant aliens who, as specified in federal law, (1) are human trafficking victims or (2) have suffered substantial physical or mental abuse as a result of certain criminal activity. Under prior law, nonimmigrant aliens were not eligible for in-state tuition. (A "nonimmigrant alien" is a person with a visa permitting temporary entrance to the United States for a specific purpose.)

In both cases, the students must continue to meet existing law's other requirements for obtaining in-state tuition benefits (e.g., graduation from a high school in Connecticut, or the equivalent).

([PA 15-82](#), effective July 1, 2015)

HOUSING

Foreclosure Mediation Program's Extension

A new law extends by three years, until July 1, 2019, the state's foreclosure mediation program, which determines whether parties can reach an agreement that will avoid foreclosure. It also makes other changes in the program,

including extending eligibility for the program to certain owner-occupants who are not borrowers on the mortgage but are permitted successors-in-interest (i.e., people who, among other things, hold title to the property as a result of certain events, such as divorce, legal separation, property settlement, or the borrower's death).

([PA 15-124](#), effective July 1, 2015)

INSURANCE

Comprehensive Information Security Program

A new law requires insurers and HMOs, by October 1, 2017, to implement and maintain a comprehensive information security program to safeguard insureds' and enrollees' personal information and annually certify to the Insurance Department, under penalty of perjury, that they maintain a compliant program. It also requires each company that discovers a security breach to notify impacted residents within 90 days and offer them at least one year of free identity theft prevention and mitigation services.

([PA 15-142](#), § 5, effective October 1, 2015)

Emergency Services and Surprise Bills

A new law prohibits health insurers and HMOs from charging a coinsurance, copayment, deductible, or other out-of-pocket expense for emergency services rendered by an out-of-network health care provider that is greater than the charges for services rendered by an in-network provider. Additionally, under the new law, an insured person who receives a surprise bill is required to pay only the coinsurance, copayment, deductible, or other out-of-pocket expense that would apply if the services were rendered by an in-network provider. A "surprise bill" results when an out-of-network provider renders non-emergency services at an in-network facility, and the insured did not knowingly elect to have the out-of-network provider render the services.

([PA 15-146](#), as amended by HB 6987, §§ 9 & 10, effective January 1, 2016)

Health Insurance Coverage for Mental and Nervous Conditions

A new law expands health insurance coverage for mental and nervous conditions. It requires certain health insurance policies to cover a range of services, including acute treatment and clinical

stabilization services (e.g., substance use disorder services); general and psychiatric inpatient hospitalization services; and several services to improve health outcomes for mothers, children, and families. The new law also requires policies to cover the services when rendered by an advanced practice registered nurse and prohibits policies from enacting certain limitations on multiple screening services as part of an insured's single-day visit to a health care provider or multi-care institution.

([PA 15-226](#), effective January 1, 2016)

Behavioral Health and Autism Spectrum Disorder Services

A new law (1) expands certain individual and group health insurance policies' required coverage of autism spectrum disorder (ASD) services and treatment, (2) expands existing law's group policy behavioral therapy coverage requirements for people with ASD and also applies it to individual policies, and (3) eliminates maximum coverage limits on the Birth-To-Three program.

([PA 15-5](#), June Special Session, §§ 347-353, effective January 1, 2016)

JUDICIAL MATTERS

Nonadversarial Dissolution of Marriage

A new law creates an expedited court process that allows a judge to enter a divorce decree without a hearing for certain nonadversarial divorce actions in any marriage that lasted for eight years or less. To participate in the process, among other things, at least one party must be a Connecticut resident, the parties must have no children or real property, the total combined net fair market value of all property owned by either party must be less than \$35,000, and neither party must have a defined benefit pension plan. Under the new law, the process:

1. allows parties to file a notarized joint petition to begin the process;
2. requires the joint petition to be accompanied by certain documents, including financial affidavits and a waiver of any right to a trial, alimony, spousal support, or an appeal;
3. allows a settlement agreement to be incorporated in the divorce decree if the court finds it fair and equitable;
4. allows parties to terminate the nonadversarial expedited process at any time before the court enters a decree; and

5. establishes timeframes for court review and termination of the expedited process.

([PA 15-7](#), effective October 1, 2015)

Power of Attorney

A new law enacts the Uniform Power of Attorney Act and repeals prior law governing powers of attorney (POA). POAs are documents used by a person (the principal) to designate someone (the agent) to make decisions and act on the principal's behalf. Compared to prior law, the new law, among other things:

1. allows a principal to grant an agent authority over more subjects;
2. makes a POA created under its provisions durable, meaning its effectiveness continues after the principal becomes incapacitated, unless the POA expressly states otherwise;
3. allows a probate court to continue, limit, suspend, or terminate a POA when appointing a conservator;
4. authorizes certain people to petition the probate court to review a POA or an agent's conduct;
5. requires people to accept POAs in most circumstances, allows people to request information about them, and limits when

people can refuse to accept them; and

6. provides sample POA forms to implement the act's provisions, which require people to strike out subjects on the form over which they do not want to grant agents any authority.

The new law gives the probate court power to (1) construe POAs, (2) require agents to account to the court about estates under their control, and (3) provide relief.

([PA 15-240](#), effective July 1, 2016)

LAW ENFORCEMENT

Minority Police Officer Hiring and Promotion

A new law requires law enforcement units, by January 1, 2016, to develop and implement guidelines to recruit, retain, and promote minority police officers. Units serving communities with a relatively high concentration of minority residents must make efforts to recruit, retain, and promote minority officers so that the unit's racial and ethnic diversity is representative of the community.

([PA 15-4](#), June Special Session, §§ 2-3, effective October 1, 2015)

Police Body Cameras

Beginning July 1, 2016, a new law requires sworn officers of the State Police, public university police departments, and municipal police departments receiving certain state grants also created by the new law, to use body cameras while interacting with the public in their law enforcement capacity. It requires the Department of Emergency Services and Public Protection (DESPP) and the Police Officer Standards and Training Council (POST), by January 1, 2016, to jointly create a list of minimal technical specifications for body cameras and digital data storage devices or services.

The new law also specifies certain activities that officers cannot record with body cameras and when certain images do not need to be disclosed to the public. It also requires DESPP and POST to develop guidelines on equipment use and data retention.

([PA 15-4](#), June Special Session, §§ 7 & 8, effective upon passage, except the provisions on grants for the program are effective January 1, 2016)

Police Certification Costs

Beginning July 1, 2016, a new law requires any law enforcement

unit that hires an officer from another law enforcement unit within two years after the officer is certified by the POST Council to reimburse the initial hiring unit for 50% of the total cost of certification (i.e., the cost of training, equipment, uniforms, salary and fringe benefits, and any cost related to the council's entry-level requirements). Such costs do not include any equipment or uniforms the officer returns.

([PA 15-5](#), June Special Session, § 508)

Police Officer Misconduct and Hiring

A new law prohibits a law enforcement unit from hiring an officer who (1) was previously dismissed from a unit for malfeasance or serious misconduct or (2) resigned or retired during an investigation for such conduct. It also requires a law enforcement unit to inform another unit about an officer's dismissal, resignation, or retirement under these circumstances if it knows the officer is applying for a position as a police officer with the other unit.

([PA 15-4](#), June Special Session, § 6, effective October 1, 2015)

Police Training

A new law requires police basic

and review training programs conducted by the State Police, POST Council, and municipal police departments to include training on (1) using physical force; (2) using body-worn recording equipment and retaining the records it creates; and (3) cultural competency, sensitivity, and bias-free policing.

([PA 15-4](#), June Special Session, § 1, effective October 1, 2015)

Police Use of Force

A new law:

1. expands the circumstances when the Division of Criminal Justice must investigate a death involving a peace officer to include cases involving any use of physical force, not just deadly force;
2. requires, rather than allows, the chief state's attorney to appoint a prosecutor from a judicial district other than the one where the incident occurred or a special prosecutor to conduct those investigations; and
3. requires law enforcement units to record information about incidents in which a police officer discharges a firearm or uses physical force that is likely to cause serious physical injury or death.

([PA 15-4](#), June Special Session, §§ 4 & 5, effective October 1, 2015)

Recording Police Activity

A new law, with some exceptions, makes a peace officer's employer liable in a court or other proceeding if the officer interferes with someone taking a photo, digital still, or video image of the officer or another officer performing his or her duties.

([PA 15-4](#), June Special Session, § 9, effective October 1, 2015)

Resident State Troopers

Currently, towns participating in the resident trooper program pay 70% of the regular cost and expenses of troopers assigned to the town and 100% of their overtime costs and associated fringe benefits. Starting July 1, 2015, a new law will instead require them to pay 85% of the compensation, maintenance, and other expenses of the first two assigned troopers and 100% of such costs for any additional troopers. They must continue to pay 100% of the overtime costs and the portion of the fringe benefits directly associated with those costs.

([PA 15-244](#), § 170, effective July 1, 2015)

MUNICIPALITIES

Motor Vehicle Property Tax Mill Rates

A new law allows municipalities to tax motor vehicles at a different rate than other taxable property but caps the motor vehicle rate at (1) 32 mills for the 2015 assessment year and (2) 29.36 mills for the 2016 assessment year and thereafter. It also prohibits special taxing districts and boroughs from imposing a rate that, if combined with the municipality's motor vehicle mill rate, would exceed these maximums.

([PA 15-244](#), §§ 206 & 208, effective October 1, 2015, and applicable to assessment years beginning on or after that date)

Municipal Revenue Sharing Account (MRSA) Distributions

A new law diverts a portion of sales tax revenue to MRSA and establishes a schedule for distributing the funds to municipalities and regions. Among other things, it requires MRSA funds to be used to provide (1) supplemental education cost sharing grants in FY 16 and 17, (2) grants to municipalities to mitigate the revenue loss attributed to the motor vehicle mill rate cap described above, (3) certain PILOT grants to

qualifying municipalities, (4) newly established municipal revenue sharing grants, and (5) grants to the state's nine regional councils of governments for planning purposes and to achieve efficiencies in delivering municipal services on a regional basis.

([PA 15-244](#), §§ 207 & 209, as amended by [PA 15-5](#), June Special Session, §§ 110-111 & 494, effective October 1, 2015)

PILOT Program

A new law restructures the state's PILOT programs by establishing minimum annual reimbursement rates and a method for disbursing PILOT grants when appropriations are not enough to fund the full grant amounts. For FY 17, it (1) requires municipalities to receive PILOTs that equal or exceed the reimbursement rates they received in FY 15 and (2) establishes an additional PILOT grant for certain municipalities. Beginning in FY 18, it establishes minimum reimbursement rates for specific types of PILOT-eligible property, based on a municipality's mill rate and the percentage of tax-exempt property on its 2012 grand list.

([PA 15-244](#), §§ 183-205, effective July 1, 2016, except the

provisions sunsetting the current PILOT programs are effective July 1, 2015)

Property Tax Base Revenue Sharing Program

A new law authorizes regional councils of governments, with the unanimous approval of their member municipalities, to establish a property tax base revenue-sharing program under which the municipalities in their planning regions (1) tax commercial and industrial (C & I) property at a composite mill rate, based in part on the average mill rate in their regions, and (2) share up to 20% of the property tax revenue generated by the growth in their C & I property tax bases since 2013, which the law designates as the base year.

([PA 15-244](#), §§ 211-215, effective October 1, 2015, and applicable to assessment years beginning on or after that date)

Property Tax on Certain Health System and College and University Property

A new law subjects certain nonprofit hospital and college properties to property taxes. It applies to certain (1) real and personal property health systems acquired on or after October 1, 2015 and (2) residential real property that

private nonprofit colleges and universities use or intend to use for student housing, regardless of when they acquired it.

([PA 15-5](#), June Special Session, §§ 238 & 241, effective upon passage and applicable to assessment years beginning on or after October 1, 2015)

PUBLIC HEALTH

Childhood Immunizations

Existing law exempts from school immunization requirements any child who presents a statement from his or her parents or guardians that the immunization would be contrary to the child's religious beliefs. A new law additionally exempts children who present a statement that the immunization would be contrary to the parents' or guardians' religious beliefs. It requires the statement to be officially acknowledged by a notary public, Connecticut-licensed attorney, judge, family support magistrate, court clerk or deputy clerk, town clerk, justice of the peace, or school nurse.

By law, parents or guardians must submit the religious exemption statement before the child is allowed to enroll in public or private school. The new law requires parents or guardians to also submit the

statement before the child enrolls in seventh grade.

([PA 15-174](#) and [PA 15-242](#), §§ 68 & 71, effective July 1, 2015)

E-Cigarettes

A new law imposes restrictions on the use of e-cigarettes in certain establishments and public areas that are similar to existing restrictions on smoking in these areas. For example, it bans the use of e-cigarettes in state buildings, restaurants, places serving alcohol, schools, and child and health care facilities, among others. It makes exceptions for e-cigarette use in certain areas and facilities, including designated smoking areas, tobacco bars, and outdoor areas in establishments that serve alcohol.

([PA 15-206](#), effective October 1, 2015)

Hospitals and Health Care

Last fall, a bipartisan legislative roundtable examined the changing landscape of the health care marketplace. This session, the legislature enacted a law addressing various issues discussed during the roundtable.

For example, this law makes changes to the oversight of hospital sales, including:

1. adding to the factors that DPH's Office of Health Care Access (OHCA) must consider when reviewing a certificate of need application for a hospital transfer of ownership,
2. requiring OHCA to hire a post-transfer compliance reporter for three years after certain hospital ownership transfers are completed, and
3. requiring OHCA to conduct a cost and market impact review for these transfers that considers factors related to the transacting parties' business and relative market positions.

Among various other things, this law also:

1. places certain limits on allowable facility fees for outpatient services at hospital-based facilities;
2. establishes a statewide health information exchange, to be overseen by the Department of Social Services;
3. requires providers to give patients certain cost notices for nonemergency services;
4. requires the Connecticut Health Insurance Exchange, within available resources, to establish a consumer health information website with comparative price, quality, and related information; and
5. requires the state's Health Care Cabinet to study health care cost containment models

in other states and report to the legislature by December 1, 2016.

([PA 15-146](#), as amended by [PA 15-242](#), §§ 58 & 59, various effective dates)

Prescription Drug Abuse

A new law includes various provisions intended to reduce prescription drug abuse and related harm. Among other things, it:

1. requires practitioners, before prescribing more than a 72-hour supply of any controlled substance, to check the patient's record in the prescription drug monitoring program;
2. requires pharmacists and other controlled substance dispensers, by July 1, 2016, to report to the program immediately after dispensing controlled substances but in no event more than 24 hours after doing so, rather than at least weekly as under prior law;
3. allows pharmacists to prescribe opioid antagonists, used to treat drug overdoses, if they receive special training and certification to do so, and expands the existing immunity for all prescribers when prescribing, dispensing, or administering opioid antagonists; and

4. requires certain providers to take continuing education in prescribing controlled substances and pain management.

([PA 15-198](#) and [PA 15-5](#), June Special Session, § 354, effective October 1, 2015 for the provisions on the prescription drug monitoring program and continuing education; other provisions are effective upon passage)

SENIORS

Elder Abuse

A new law makes several changes regarding elder abuse. Among other things, it:

1. makes certain emergency medical service providers mandated reporters of elderly abuse and expands training requirements for employees of certain entities who care for someone age 60 or older;
2. gives abused, neglected, exploited, or abandoned elderly people a civil cause of action against perpetrators; and
3. requires certain financial agents to receive training on elderly fraud, exploitation, and financial abuse.

The new law also prohibits someone convicted of 1st or 2nd degree larceny or 1st degree abuse of an elderly, blind, or disabled

person or person with intellectual disabilities from inheriting, receiving insurance benefits, or receiving certain property from his or her deceased victim. It makes changes in the disposition of certain types of jointly owned personal property when one owner is convicted of one of these or certain other crimes against another owner.

([PA 15-236](#), effective October 1, 2015)

Patient-Designated Caregivers

A new law helps prepare unpaid caregivers to provide follow-up care after a loved one is discharged from a hospital. It does so by requiring a hospital, when discharging a patient to his or her home, to:

1. allow the patient to designate a caregiver at, or before, the time the patient receives a written copy of his or her discharge plan;
2. document that designated caregiver in the patient's discharge plan;
3. attempt to notify the designated caregiver of the patient's discharge home; and
4. instruct the caregiver on post-discharge tasks with which he or she will assist the patient at home.

The new law does not create a private right of action against

hospitals or their employees, contractors, or consultants. It prohibits these individuals and entities from being held liable for services a caregiver provides or fails to provide to the patient in his or her home.

([PA 15-32](#), effective October 1, 2015)

SOCIAL SERVICES

Continuing Care Facilities

A new law establishes protections and rights for residents of continuing care facilities. It requires facilities to give residents advance notice of major construction, ownership change, and increases in monthly service fees. It also allows residents to elect boards (i.e., residents' councils) to advocate for their rights and advise the provider on residents' welfare and interests. The new law decreases the amount of funds continuing care providers must keep in escrow and expands the allowable uses of such funds.

([PA 15-115](#), effective October 1, 2015)

Decrease in Medicaid

The Department of Social Services (DSS) provides Medicaid to low-income children and families through HUSKY A. A new law

reduces HUSKY A coverage by lowering the income limit for non-pregnant adults (i.e., parents or caretakers) from 196% of the Federal Poverty Level (FPL) to 150% FPL. (In 2015, 150% FPL for a family of three is \$30,135.) The new law also requires DSS and the Connecticut Health Insurance Exchange (HIX) to ensure that parents or needy caretaker relatives who lose Medicaid eligibility due to this decrease are given an opportunity to enroll in a qualified health plan without a gap in coverage. Under the new law, DSS and HIX must report various findings on individuals who lose or retain coverage to the Council on Medical Assistance Program Oversight.

([PA 15-5](#), June Special Session, §§ 370-371, effective (1) on August 1, 2015 for Medicaid decrease and (2) upon passage for other DSS requirements)

Medicaid Provider Audits

A new law makes several changes in the Medicaid provider audit process. Principally, it (1) modifies the circumstances in which DSS can make findings of over- or under-payment using extrapolation of audited provider claims and (2) prohibits DSS from extrapolating an overpayment or attempting to

recover an extrapolated overpayment beyond the payment's original dollar amount if the provider presents credible evidence that a DSS error caused the overpayment. Among other things, it also prohibits DSS from recouping a contested provider overpayment based on extrapolation until a final decision is issued after the hearing.

([PA 15-5](#), June Special Session, § 400, effective July 1, 2015)

The ABLE Act

A new law requires the state treasurer to (1) establish a qualified Achieving a Better Life Experience (ABLE) program, as permitted by federal law, and (2) administer individual ABLE accounts to help eligible individuals and families save private funds to pay for qualifying expenses related to disability or blindness. Under the new law, funds in an ABLE account must be disregarded when determining an individual's eligibility for assistance under various programs, including Temporary Family Assistance, the Low Income Home Energy Assistance Program, and Medicaid.

([PA 15-80](#), effective October 1, 2015)

TAXES

The budget act, [PA 15-244](#), makes a number of tax and revenue changes for FY 16 and FY 17.

Income Tax

Rate Changes. The act increases marginal income tax rates for those with taxable incomes over (1) \$500,000 for joint filers, (2) \$250,000 for single filers and married people filing separately, and (3) \$400,000 for heads of household. It does so by (1) increasing the 6.7% marginal tax rate to 6.9%; (2) adding a seventh, higher-income tax bracket subject to a 6.99% marginal tax rate; and (3) establishing new benefit recapture schedules to reflect the new marginal rates and income bracket.

Delay in Scheduled Income Tax Reductions for Single Filers.

The act delays scheduled income tax reductions for single filers by one year, specifically by delaying increases in (1) income exempt from the tax and (2) income thresholds for phasing out personal exemptions and credits.

Property Tax Credit

Reduction. The new law reduces, from \$300 to \$200, the maximum property tax credit against the personal income tax and reduces the

income thresholds at which the credit starts to phase out.

Earned Income Tax Credit.

The new law delays by two years the scheduled increase in this credit.

([PA 15-244](#), §§ 65-70, effective upon passage and applicable to tax years beginning on or after January 1, 2015, except for the property tax credit provision, which takes effect July 1, 2015)

Sales and Use Tax

Luxury Tax Rate Increase.

The new law increases, from 7% to 7.75%, the sales and use tax rate on specified luxury items. By law, the rate applies to the full sale price of motor vehicles, jewelry, clothing, and footwear costing more than (1) \$50,000 for motor vehicles, with certain exceptions; (2) \$5,000 for jewelry (real or imitation); and (3) \$1,000 for clothing, footwear, handbags, luggage, umbrellas, wallets, and watches.

Taxable Goods and Services.

The act eliminates the sales and use tax exemptions for (1) clothing and footwear costing less than \$50 (currently scheduled to take effect on July 1, 2015); (2) certain non-metered parking in seasonal lots with 30 or more spaces; and (3) goods or services purchased by a

water company in maintaining, operating, managing, or controlling a body of water or distributing plant or system to supply water to at least 50 customers.

It extends the tax to (1) car washing services and (2) website creation, development, hosting, and maintenance. It also limits the exemption for clothing and footwear during the “sales-tax-free-week” to items costing less than \$100, rather than \$300.

Revenue Diversion. The act directs a portion of the 6.35% sales tax to the STF and Municipal Revenue Sharing Account, according to a specified schedule.

([PA 15-244](#), §§ 71-77 & 222, as amended by [PA 15-5](#), June Special Session, §§ 132-136 & 516, various effective dates)

Corporation Income Tax

Combined Reporting.

Beginning with the 2016 income year, a new law requires companies that are members of a corporate group of related entities to determine their Connecticut corporation tax liability based on the net income or capital base of the entire group. Under prior law, a company doing business in Connecticut as part of a larger group

determined its Connecticut net income separately but could file a combined return under certain circumstances.

Surcharge. The act (1) extends the 20% corporation income tax surcharge for two additional years to the 2016 and 2017 income years and (2) imposes a temporary 10% surcharge for the 2018 income year.

Net Operating Loss (NOL). The new law generally limits the amount of NOL a corporation may carry forward to the lesser of (1) 50% of net income or, for companies with taxable income in other states, 50% of the net income apportioned to Connecticut and (2) the excess of NOL over the NOL being carried forward from prior income years.

Tax Credit Limit. The new law reduces, from 70% to 50.01%, the amount of corporation tax liability a business may reduce through the use of tax credits.

([PA 15-244](#), §§ 83-84, 87-88, & 138-163, as amended by [PA 15-5](#), June Special Session, §§ 39-53 & 482, various effective dates)

Cigarette Tax

The new law increases the cigarette tax in two steps, from (1)

\$3.40 to \$3.65 per pack on October 1, 2015 and (2) \$3.65 to \$3.90 per pack on July 1, 2016.

([PA 15-244](#), §§ 176-180, the (1) October 1, 2015 increase is effective on October 1, 2015 and applicable to sales occurring on or after that date and (2) July 1, 2016 increase is effective on July 1, 2016 and applicable to sales occurring on or after that date)

Estate and Gift Tax Cap

The new law caps at \$20 million the maximum amount of (1) estate tax imposed on the estates of residents and nonresidents who die on or after January 1, 2016 and (2) gift tax imposed on taxable gifts donors make on or after January 1, 2016.

([PA 15-244](#), §§ 174 & 175, effective upon passage and applicable to estates of decedents who die on or after January 1, 2016 and gifts made on or after January 1, 2015)

Limits on Claiming Tax Credits

Tax credits allow businesses to reduce the amount of taxes they owe, but various laws limit or restrict their ability to do so.

A new law, [PA 15-244](#):

1. reduces, from 70% to 50.01%, the amount of tax liability businesses can reduce through corporation business tax credits (§ 88, effective upon passage);
2. extends, to 2015 and 2016, the temporary cap on the maximum amount of tax liability insurers may offset through insurance premium tax credits (§ 85, effective upon passage and applicable to calendar years starting on or after January 1, 2015);
3. extends, to FYs 16 and 17, the temporary moratorium on issuing insurance premium and corporation business tax credits for producing films and digital media (§ 86, effective upon passage); and
4. for calendar quarters beginning on or after July 1, 2015, imposes a 50.01% limit on the amount of tax liability hospitals can reduce by using tax credits (§ 89, effective July 1, 2015).

New Tax on Ambulatory Surgical Centers

Ambulatory surgical centers are subject to a 6% gross receipts tax beginning October 1, 2015. The exception is any portion of a center's gross receipts that constitutes net patient revenue of hospitals subject to the hospital tax. The centers

must remit the tax quarterly, beginning with the last quarter of 2015. Those that fail to do so face a 10% penalty or \$50, whichever is greater, and interest at 1% per month. The centers may seek remuneration for the 6% tax.

([PA 15-244](#), § 172, effective October 1, 2015)

TRANSPORTATION

Bicycle Operation and Bikeways

A new law clarifies the responsibilities of bicyclists riding on roads or bikeways and motorists operating near them. Among other things, it (1) allows motorists to pass bicyclists in a marked no passing zone if they can do so safely, (2) specifies where a motorist must park when there is a bikeway between a curb and a parking lane, and (3) expands the circumstances when a bicyclist is not required to ride as close to the right side of the road as practical. It also requires the Department of Transportation (DOT) to implement, where appropriate, bikeway and urban street design standards and consider implementing minimum lane widths if it allows the addition of a bike lane that meets design standards.

([PA 15-41](#), effective July 1, 2015)

Connecticut Port Authority

A new law (1) establishes the quasi-public Connecticut Port Authority starting July 1, 2015, (2) explicitly extends the authority's jurisdiction to state harbors and ports, and (3) transfers authority over maritime and most harbor and port-related laws from DOT to the authority as of July 1, 2016. Among other things, the authority must (1) coordinate state port development, focusing on private and public investments, and (2) work with DECD and state, local, and private entities to maximize the ports' and harbors' economic potential.

The new law also (1) transfers from DOT to DEEP the powers and duties of existing harbor boards and boards of harbor commissioners and (2) places harbor masters under the direction and control of DEEP, rather than DOT.

([PA 15-5](#), June Special Session, §§ 1-39, 519 & 523)

STF Changes

The budget act requires the Department of Revenue Services to direct a portion of sales tax revenue to the STF according to a schedule that increases the amount directed over three fiscal years, from 4.7% of

sales tax revenue in FY 16 to 7.9 % of sales tax revenue in FY 18.

It also (1) eliminates statutorily scheduled transfers from the General Fund to the STF and (2) directs all petroleum products gross earnings tax revenue to the STF, rather than requiring that the portion of the tax attributable to the sale of gasoline be transferred to the fund.

([PA 15-244](#), §§ 74, 91 & 92; effective July 1, 2015, except for the provisions (1) directing sales tax to the STF, which are effective upon passage and applicable to sales occurring on or after October 1, 2015 and (2) about sales of services billed to customers for a period that includes October 1, 2015, which are also effective upon passage)

STF Statutory "Lockbox"

The legislature passed a more specific law requiring that STF funds be used for transportation purposes only, including paying debt service on state obligations incurred for transportation purposes. It replaces a previously authorized, but not yet effective, general provision restricting the use of STF funds.

The new law requires all funds that must be deposited in the STF on or after June 30, 2015 to continue to

be deposited in the STF as long as the state continues to collect the funds. It also requires any money the state receives or collects from the use of highways, expressways, or ferries to be deposited in the STF, except as necessary to pay debt service on bonds incurred for transportation purposes.

([PA 15-5](#), June Special Session, §§ 441, 442, & 523, effective June 30, 2015)

VETERANS AND SERVICE MEMBERS

Military Retirement Income Tax Exemption

A new law fully exempts federally taxable military retirement pay from the state income tax. Prior law exempted 50% of this retirement pay.

The exemption applies to federal retirement pay for retired members of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, and Army and Air National Guard.

([PA 15-244](#), § 65, effective upon passage and applicable to tax years beginning on or after January 1, 2015)

Department of Veterans' Affairs (DVA)

A new law gives the DVA Board of Trustees more oversight over the department. It requires (1) the DVA commissioner to give certain information to the board so it can monitor DVA's performance and (2) the board to review and comment on the DVA budget and major policies relating to the Veterans' Home.

The act increases the voting membership of DVA's Board of Trustees by adding two Veterans' Home residents as voting members and changing the DVA commissioner's status from a voting member to a nonvoting ex-officio member, thus increasing the number of voting members from 17 to 18.

Among other things, the law requires additional reports by the DVA commissioner to the legislature on the feasibility of implementing the Program Review and Investigations Committee's recommendations regarding Veterans' Home operations.

([PA 15-197](#), most provisions effective July 1, 2015)

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