

2017 MAJOR PUBLIC ACTS



NOTICE TO READERS

These summaries, composed by the Office of Legislative Research (OLR), briefly describe the most significant, far-reaching, and publicly debated acts adopted by the General Assembly in its 2017

regular session. Major public acts to which the secretary of the state has assigned a public act number are identified by that number; otherwise, we refer to the bill number.

Not all provisions of the acts are included.

More detailed summaries can be found at <https://cga.ct.gov/olr>. Summaries of the major acts and all other public acts will be provided in our *2017 Public Act Summary Book*, which will be available later this year.

The report does not include an Office of Fiscal Analysis budget summary because the General Assembly did not adopt a budget by the end of the regular session. We will issue a supplemental report on major public acts adopted during the special session.

OLR also produces a number of specific reports highlighting legislation in various subject areas, including acts affecting children, senior citizens, the environment, and business. These reports will be available on the OLR website in mid-July.

Table of Contents

ANIMALS	2
BANKING	2
CRIME AND LAW ENFORCEMENT	2
EDUCATION	4
ENERGY AND ENVIRONMENT	5
ENTERTAINMENT/GAMBLING	6
FINANCE	7
HEALTH CARE	8
HOUSING	9
INSURANCE	10
LABOR	10
TRANSPORTATION	11
VETERANS	12

ANIMALS

Animal Shelters

Under a new law, anyone who wants to operate or maintain an animal shelter in Connecticut must register with the agriculture commissioner and comply with regulations on sanitation, disease, humane treatment of cats and dogs, and public safety protection ([PA 17-167](#), effective October 1, 2017).

BANKING

Mortgage Lead Generators

Effective October 1, 2017, a new law requires the Department of Banking to license lead generators (i.e., mortgage professionals who sell information identifying potential new customers for residential mortgage loans) and, starting January 1, 2018, it will be illegal to operate without this license ([PA 17-38](#), effective October 1, 2017, except the provision on unlicensed operations takes effect January 1, 2018).

Civil Asset Forfeiture

A new law generally requires a conviction before property seized by law enforcement officials pursuant to a lawful arrest or search may be forfeited to the state in a civil proceeding. The new law also updates the circumstances under which the court must return the

property to its owner ([sHB 7146, as amended by House "A"](#), effective October 1, 2017).

CRIME AND LAW ENFORCEMENT

Debit Card Fraud

A new law expands the credit card crimes to cover the same conduct involving debit cards. It also changes how notice of a card's revocation must be sent for purposes of these crimes and expands certain credit card crimes to cover falsely loading payment cards (i.e., credit or debit cards) into digital wallets. Under the new law, a digital wallet is a software application used on a computer or other device, including a mobile device, to store digital forms of payment cards that can be used to obtain money, goods, services, or anything of value ([PA 17-26](#), effective October 1, 2017).

Bail and Pretrial Detention

The legislature changed certain laws pertaining to pretrial detention by (1) limiting the circumstances in which a court can impose financial conditions of release for someone charged only with a misdemeanor that is not a family violence crime, (2) barring courts from requiring cash-only bail for certain crimes, and (3) generally shortening the period within which defendants who cannot make bail and who were

charged only with a misdemeanor must receive a bail review hearing. The act also requires the Office of Policy and Management's (OPM) under secretary for criminal justice policy and planning, in consultation with certain groups, to study and report on the feasibility of establishing an assistance program for indigent criminal defendants being detained pretrial who were charged with minor crimes ([PA 17-145](#), effective July 1, 2017, except the study provisions are effective upon passage).

Hate Crimes

A new law makes several changes to the hate crime statutes, including enhancing penalties in some cases. Among its changes, the act imposes minimum fines for certain hate crimes, including deprivation of rights; desecration of property; cross burning; and 1st, 2nd, and 3rd degree intimidation based on bigotry or bias; enhances the penalty for desecration of a house of religious worship; increases the penalty for 1st and 2nd degree threatening when the threat affects a house of worship, religiously-affiliated community center, or day care center; and increases, from a class A misdemeanor to a class E felony, the penalty for 3rd degree intimidation based on bigotry or bias ([PA 17-111](#), effective October 1, 2017).

Isolated Confinement

A new law prohibits the Department of Correction (DOC), with limited exceptions, from holding an individual under age 18 on administrative segregation status. "Administrative segregation status" means placement of an inmate on restrictive housing status (i.e., a designation that provides for closely regulated management and separation of an inmate from other inmates) after determining that such inmate can no longer be safely managed in the facility's general inmate population.

The new law also requires the DOC commissioner, by January 1, 2019, to study and submit a report to the Judiciary Committee on the use and oversight of all forms and phases of housing for inmates on restrictive housing status ([sHB 7302, as amended by House "A"](#), effective January 1, 2018).

Police Body Cameras

This year the legislature expanded and extended by one year, to FY 19, a grant program administered by OPM that reimburses municipalities for, among other things, purchasing body cameras for use by sworn members of municipal police departments. Generally, the new law expands the types of law enforcement personnel and

equipment eligible for the program to include electronic defense weapon recording equipment and first-time purchases of dashboard cameras. Under the legislation, however, the reimbursement is provided within available resources.

The legislature also established a 26-member task force to examine the use of body cameras by state and municipal police and report its findings and recommendations to the Judiciary and Public Safety and Security committees by February 1, 2018 ([sHB 7308, as amended by House "A"](#), effective upon passage).

Victim Services

A new law expands the powers and duties of the Judicial Branch's Office of Victim Services (OVS). Among other changes, it creates a new process for victims seeking enforcement of financial restitution orders; makes more victims eligible for victim compensation from OVS by expanding injuries, crimes, and situations under which a victim may qualify for compensation; allows up to an additional \$5,000 above the maximum \$15,000 personal injury award for certain child-victims; allows OVS to waive consideration of available health insurance when determining victim compensation; and requires health care providers to suspend debt collection from victims in certain

circumstances ([PA 17-99, §§ 17-19, 21-38, & 40](#), effective October 1, 2017).

EDUCATION

Heightened High School Graduation Requirements

The legislature revised and delayed the heightened graduation requirements that were set to take effect with next year's incoming freshman high school class in the 2017-18 school year. It extended, for another two years, the current requirement that students earn at least 20 credits to graduate. The heightened graduation requirement of at least 25 earned credits instead takes effect with the freshman class entering in the 2019-20 school year. The new law also changes the subject area content of these requirements ([PA 17-42](#), effective July 1, 2017).

Technical High School System

A new law transitions the Connecticut technical high school system into an independent executive branch agency in two phases over a three-year period. Currently, the system is part of the State Department of Education. The law also establishes accountability and efficiency mechanisms for the system, requires evaluation of existing career technical

education standards and curriculum, and modifies teacher certification requirements in occupational subject areas ([sHB 7271, as amended by House "A"](#), various effective dates).

ENERGY AND ENVIRONMENT

Municipal Electric Consumer Advocate Position Established

Several municipal electric utilities purchase electricity through the Connecticut Municipal Electric Energy Cooperative (CMEEC). A new law adds requirements on how and where CMEEC must conduct its business and establishes the position of municipal electric consumer advocate. The new law prohibits CMEEC from holding meetings, public hearings, or strategic retreats outside of the state. The law also requires CMEEC to have a forensic examination conducted by a certified forensic auditor ([PA 17-73](#), effective October 1, 2017, except the provisions on the municipal electric consumer advocate take effect upon passage).

Clean Energy Initiatives

A new law makes several changes to various clean and renewable energy initiatives. Among other things, it:

1. allows electric distribution companies (EDCs) (i.e., Eversource and United Illuminating), under certain

conditions, to build, own, and operate new fuel cell generation facilities;

2. authorizes the Department of Energy and Environmental Protection (DEEP) commissioner, under certain conditions, to order the EDCs to enter into long-term contracts to procure a portion of their power from offshore wind, fuel cell, and anaerobic digestion facilities; and
3. changes the Class II Renewable Portfolio Standard to help promote trash-to-energy facilities ([PA 17-144](#), effective July 1, 2017 and upon passage for certain provisions).

Renewable Energy Projects

A new law requires the state to consider certain environmental and agricultural impacts when evaluating proposals for energy projects such as solar energy generating facilities. The new law has a specific focus on prime farmland and core forest. It also requires the state to consider reusing properties with limited developmental opportunities for these projects (e.g., brownfields or landfills).

This new law also decreases permitting requirements for certain waste facilities that use newer technologies ("waste conversion facilities," which include such things as anaerobic digesters that produce

methane, which can be used for energy generation). Specifically, it eliminates the requirement to determine whether such a facility is needed to meet the state's solid waste needs and to demonstrate that the facility will not result in substantial excess capacity ([sSB 943, as amended by Senate "A"](#), July 1, 2017 for most provisions).

New Tool for Cleaning Up and Redeveloping Brownfields

To help municipalities clean up brownfields and prepare them for productive uses, the legislature authorized the certification of new and existing nonprofit organizations as Connecticut Brownfield Land Banks. Once certified, an organization may use the same brownfield remediation tools and incentives available to municipalities to acquire, remediate, and sell the brownfields that are identified in its banking agreement with one or more municipalities ([sHB 7229](#), effective July 1, 2017).

ENTERTAINMENT/GAMBLING

Casino and Additional Off-Track-Betting (OTB) Facilities Authorized

Connecticut may soon have a third casino. A new law authorizes the Mashantucket Pequot and Mohegan tribes through a limited liability company jointly and exclusively owned

by the tribes (i.e., MMCT Venture) to build and operate an East Windsor casino. The casino authorization is contingent on, among other things, the governor amending the current tribal agreements (e.g., compact and memoranda of understanding (MOUs)) and receiving approval from the legislature and the federal interior secretary.

Once the casino is operational, MMCT must pay the state (1) 25% of the gross video slot machine revenue, with \$4.5 million annually given to six named municipalities and the remainder deposited into the General Fund; (2) 15% of the revenue from all other authorized casino games to be deposited into the General Fund; and (3) 10% of all other authorized casino games to be deposited in the statewide tourism marketing account. MMCT must also contribute \$300,000 to the Connecticut Council on Problem Gambling ([PA 17-89](#), effective upon passage).

Another new law increases the maximum number of authorized OTB facilities from 18 to 24. Currently, there are 15 OTB facilities in the state ([HB 6948, as amended by House "A"](#), effective upon passage).

Mixed Martial Arts (MMA)

Under a new law, MMA promoters are no longer liable to pay the health care costs an MMA competitor incurs from an injury, illness, disease, or condition resulting from an MMA match for the entire duration of the injury, illness, disease, or condition. Rather, just like boxing promoters, they must provide (1) insurance coverage of at least \$20,000 for medical, dental, surgical, and hospital care and (2) death benefits of at least \$50,000 to the estate of an MMA participant who dies as a result of participating in an MMA match. The new law also eliminates the 5% gross receipt tax that boxing and MMA promoters were required to pay under prior law ([PA 17-116](#), effective October 1, 2017).

FINANCE

Tax Preparers

A new law establishes a regulatory structure for most tax preparers and facilitators who are not otherwise regulated, specifying qualifications for them and requiring them to obtain a permit from the Department of Revenue Services, among other things. It also prohibits various negligent, predatory, and fraudulent actions by anyone who provides tax preparation services, including those who are otherwise regulated ([PA 17-147, §§](#)

[15-18](#), most provisions are effective October 1, 2018).

Maximizing the Return on the State's Economic Development Investments

The legislature established new ways to help the state maximize the return on its economic development investments. It required specific legislative committees to conduct periodic reviews of all economic development programs each time the committees receive certain mandated reports on the programs' performance. The reports include the Department of Economic and Community Development's (DECD) annual report, which now must include more information about the programs' economic impact, and a new report the state auditors must prepare on the programs' performance each time they audit DECD ([sHB 7316](#) and [sSB 966 as amended by Senate "A"](#), both effective upon passage).

The legislature recognized that the economy is constantly changing, as new technologies create new businesses and potentially threaten existing ones. To get a better handle on these changes and their implications for economic development policy, the legislature created a process to continuously analyze economic and business conditions and generate

reports for legislators that, among other things, recommend appropriate legislative and programmatic actions. These tasks must be performed by a private research organization selected by and reporting to CTNext, a subsidiary of Connecticut Innovations that fosters innovation and entrepreneurship ([PA 17-164](#), effective upon passage).

Financial Planners Serving Seniors

A new law establishes advertising and disclosure requirements for financial planners who are not otherwise regulated by state or federal law. It prohibits financial planners who do not meet certain education requirements from expressing or implying that they have special training, education, or experience serving seniors. It also requires them to disclose to consumers, upon request, whether they have a fiduciary duty with regard to each recommendation they make.

Additionally, the new law requires the Banking and Consumer Protection departments to post on their respective websites links to certain information about financial planning professionals and consumers' rights ([PA 17-120](#), effective upon passage).

HEALTH CARE

Conversion Therapy

A new law prohibits health care providers, or anyone else while conducting trade or commerce, from practicing or administering "conversion therapy" (i.e., any practice or treatment that seeks to change a minor's sexual orientation or gender identity). The act specifies certain types of counseling that are not considered conversion therapy, such as counseling intended to assist a person undergoing gender transition or facilitate a person's identity exploration.

The law also prohibits the use of public funds for conversion therapy or related actions ([PA 17-5](#), effective upon passage).

Medicaid Provider Audits

Generally, state Medicaid agencies audit claims from Medicaid providers to determine whether Medicaid payments were properly made. Some states, including Connecticut, use extrapolation in their audits, which generally means they project the total value of submitted claims based on a sample of the claims. A new law limits Medicaid provider audits by (1) prohibiting the Department of Social Services (DSS) from applying agency policies or other criteria in audits of claims submitted

before the policies or other criteria were distributed to providers and (2) temporarily prohibiting DSS from extrapolating overpayments caused by errors related to implementation of a state-required electronic visit verification (EVV) system. Under the new law, EVV refers to a system, also required by federal law, that verifies the date, time, and site of a provider visit and services offered to a client in a Medicaid-funded and DSS-administered home or community-based service program ([HB 7190](#), effective July 1, 2017, except the EVV provisions are effective upon passage).

Prescription Opioid Drug Abuse

Like many other states, Connecticut is facing an increase in the number of emergency room visits and drug overdose deaths involving opioid analgesics (e.g., prescription painkillers such as oxycodone, hydrocodone, and fentanyl). A new law includes several measures to address this issue, such as (1) generally reducing, from a seven-day to a five-day supply, the maximum amount of opioid drugs a minor may be prescribed; (2) allowing a prescribing practitioner to issue a standing order (i.e., non-patient specific prescription) to a licensed pharmacist for an opioid antagonist; and (3) requiring certain health insurers to cover specified medically necessary, inpatient

detoxification services for an insured diagnosed with a substance use disorder ([PA 17-131](#), various effective dates).

HOUSING

Affordable Housing and Zoning

The legislature made changes to the affordable housing land use appeals procedure ([CGS § 8-30g](#)), which requires municipalities to defend their decisions rejecting affordable housing development applications or approving them with costly conditions. By law, municipalities with a certain amount of affordable housing are exempt from the procedure. Additionally, municipalities are eligible for a temporary suspension of the procedure (i.e., moratorium) each time they show they have added to their housing stock a certain number of affordable housing units since the last decennial census. Generally, the new law (1) makes it easier for municipalities to qualify for a moratorium by, among other things, expanding the unit types that count toward the moratorium calculation and (2) extends the length of moratoria for certain municipalities. It also changes how the law categorizes certain mobile manufactured homes for purposes of calculating exemptions and moratoria.

The new law also requires all municipalities to adopt an affordable housing plan every five years, specifying how they will increase the number of affordable housing developments in their jurisdiction ([PA 17-170](#), effective upon passage, but certain provisions sunset in five years).

Temporary Health Care Structures

Like many states, Connecticut is confronting an aging population, high nursing home Medicaid costs, and an increasing desire among seniors and people with disabilities to live independently while receiving care. A new law seeks to provide families and caregivers with the option of installing temporary health care structures on residential property as a way to keep seniors and people with disabilities in their communities while receiving care. It does so by establishing conditions under which property owners may place these structures on residential property to care for qualifying individuals and prohibiting municipal zoning regulations from barring such structures unless the municipality follows a specified opt out process ([PA 17-155](#), effective October 1, 2017).

INSURANCE

Authorizing Insurers to Divide

A new law allows domestic insurers to “divide” into two or more insurers and allocate assets and obligations among the new companies. The law creates a division process, sets the requirements for dividing insurers, and specifies a division’s effect, including how obligations and interests are allocated ([PA 17-2](#), effective October 1, 2017).

Auto Insurance Requirements

The legislature increased the minimum amount of auto insurance a person must maintain to receive or retain a driver's license or motor vehicle registration. The new law sets the minimum insurance requirements at \$25,000 per person and \$50,000 per accident for bodily injury and \$25,000 per accident for property damage, up from \$20,000, \$40,000, and \$10,000, respectively ([PA 17-114](#), effective January 1, 2018).

LABOR

Pregnant Employee Workplace Accommodation

For pregnant employees and their employers, striking a balance between work duty and taking the proper care during the pregnancy is not an easy

task. The legislature addressed this issue by enacting a new law that expands the employment protections provided to pregnant women under the state's anti-discrimination law. It requires employers to provide a reasonable workplace accommodation for a pregnant employee or applicant, unless the employer demonstrates that the accommodation would be an undue hardship. The law applies to the state, municipalities, and any private employer with three or more employees ([PA 17-118](#), effective October 1, 2017).

TRANSPORTATION

Transportation Network Companies (TNC)

The legislature established a regulatory structure for TNCs, such as Uber and Lyft, addressing, among other things, (1) insurance coverage; (2) public safety (e.g., requiring TNCs to obtain background checks on drivers); and (3) consumer protection (e.g., requiring TNCs to disclose fare information to riders). The new law also modifies the taxi regulatory structure, allowing taxis to establish tiered rates and use mobile electronic devices to calculate fares, among other things ([PA 17-140](#), [as amended by sSB 807](#), [as amended by Senate "A"](#), various effective dates).

Autonomous Vehicles (AVs)

A new law requires OPM, in consultation with other specified agencies, to establish a program to allow manufacturers and other specified entities to test AVs in up to four municipalities. It also creates a task force to study AVs and develop legislative recommendations for regulating them ([PA 17-69](#), effective upon passage).

Mileage Tax Study Ban

A new law prohibits the Department of Transportation from spending any state money on a study of, or other activity concerning, a mileage-based user fee system without legislative approval. A mileage-based user fee system is one in which motorists pay a fee for each mile they drive ([sSB 76](#), [as amended by Senate "A"](#), effective upon passage).

Transportation "Lockbox" Constitutional Amendment

The legislature approved a transportation funding "lockbox" resolution that, if approved by voters in the 2018 general election, will amend the state constitution. The resolution does the following:

1. maintains the Special Transportation Fund (STF) as a perpetual fund and requires the legislature to use it only for transportation purposes;
2. requires funding sources credited to or deposited in the STF on or after the amendment's effective date to continue to be credited or deposited there as long as the state collects or receives them; and
3. prohibits the legislature from enacting a law authorizing the spending of STF funds for any purpose other than transportation ([HJ-100](#), which will appear on the 2018 general election ballot. If a majority of those voting in the general election approve the amendment, it will become part of the state constitution).

VETERANS

Discrimination Prohibited

A new law prohibits discrimination on the basis of a veteran's status in employment, public accommodations, the sale or rental of housing, the granting of credit, and other laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. A veteran aggrieved by an alleged discriminatory practice may file a complaint with CHRO ([PA 17-127](#), effective October 1, 2017).

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