AN ACT IMPLEMENTING THE GOVERNOR’S BUDGET RECOMMENDATIONS REGARDING PUBLIC HEALTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 21a-415 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2021):

(a) As used in this chapter, [and section 53-344] and section 2 of this act:

(1) "Authorized owner" means the owner or authorized designee of a business entity that is applying for a registration or is registered with the Department of Consumer Protection pursuant to this chapter;

(2) "Business entity" means any corporation, limited liability company, association, partnership, sole proprietorship, government, governmental subdivision or agency, business trust, estate, trust or any other legal entity;
(3) "Dealer registration" means an electronic nicotine delivery system certificate of dealer registration issued by the Commissioner of Consumer Protection pursuant to this section;

(4) "Manufacturer registration" means an electronic nicotine delivery system certificate of manufacturer registration issued by the Commissioner of Consumer Protection pursuant to section 21a-415a to any person who mixes, compounds, repackages or resizes any nicotine-containing electronic nicotine delivery system or vapor product;

(5) "Electronic cigarette liquid" means a liquid that, when used in an electronic nicotine delivery system or vapor product, produces a vapor that may or may not include nicotine and is inhaled by the user of such electronic nicotine delivery system or vapor product;

(6) "Electronic nicotine delivery system" means an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid;

(7) "Vapor product" means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine and is inhaled by the user of such product. "Vapor product" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the United
States Food and Drug Administration;

(8) "Sale" or "sell" means an act done intentionally by any person, whether done as principal, proprietor, agent, servant or employee, of transferring, or offering or attempting to transfer, for consideration, including bartering or exchanging, or offering to barter or exchange;

(9) "Deliver" or "delivering" means an act done intentionally by any person, whether as principal, proprietor, agent, servant or employee, of transferring, or offering or attempting to transfer, physical possession or control of an electronic nicotine delivery system or vapor product;

(10) "Flavoring agent" means an additive used in food or drugs when such additive: (A) Is used in accordance with good manufacturing practice principles and in the minimum quantity required to produce its intended effect, (B) (i) consists of one or more ingredients generally recognized as safe in food and drugs, (ii) has been previously sanctioned for use in food and drugs by the state or the federal government, (iii) meets United States Pharmacopeia standards, or (iv) is an additive permitted for direct addition to food for human consumption pursuant to 21 CFR 172, as amended from time to time, (C) is inert and produces no effect other than the instillation or modification of flavor, and (D) is not greater than five per cent of the total weight of the product; and

(11) "Person" means any individual, authorized owner of a business entity, retail establishment, as defined in section 19a-106a, partnership, company, limited liability company, public or private corporation, society, association, trustee, executor, administrator or other fiduciary or custodian.

Sec. 2. (NEW) (Effective January 1, 2021) (a) No person shall sell, give, deliver or possess with intent to sell in this state an electronic nicotine delivery system or a vapor product with a flavoring agent, other than tobacco flavor, that has been added for the purpose of flavoring the contents of the electronic nicotine delivery system or vapor product.
(b) (1) No person shall sell, give, deliver or possess with intent to sell an electronic nicotine delivery system or a vapor product with a nicotine content that is greater than 35 milligrams per milliliter. Each person with a manufacturer registration shall provide to a person with a dealer registration documentation indicating the nicotine content, expressed as milligrams per milliliter, for each electronic nicotine delivery system and vapor product sold by such person with a manufacturer registration to such person with a dealer registration.

(2) Each business entity with a dealer registration shall (A) maintain within the place of business identified in the business entity's application for dealer registration documentation of the nicotine content provided pursuant to subdivision (1) of this subsection by the person with a manufacturer registration for each electronic nicotine delivery system and vapor product sold, given or delivered by such person to the business entity, and (B) provide such documentation at the request of the Commissioner of Mental Health and Addiction Services, or the commissioner's designee, during any unannounced compliance checks conducted pursuant to section 21a-415b of the general statutes, as amended by this act.

Sec. 3. Section 21a-415b of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2021):

(a) Each business entity with a dealer registration shall place and maintain in legible condition at each point of sale of electronic nicotine delivery systems or vapor products a notice to consumers that states (1) the sale, giving or delivering of electronic nicotine delivery systems and vapor products to any person under twenty-one years of age is prohibited by section 53-344b, as amended by this act, (2) the use of false identification by a person under twenty-one years of age to purchase an electronic nicotine delivery system or a vapor product is prohibited, and (3) the penalties and fines for violating the provisions of this section and section 53-344b, as amended by this act.
(b) (1) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee, shall conduct unannounced compliance checks on business entities holding a dealer registration by engaging persons between the ages of sixteen and twenty to enter the place of business of each such business entity to attempt to purchase an electronic nicotine delivery system or a vapor product. The commissioner shall conduct unannounced follow-up compliance checks of all noncompliant business entities and shall refer all noncompliant business entities to the Commissioner of Revenue Services.

(2) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee, shall conduct unannounced compliance checks on business entities holding a dealer registration to determine whether each such business entity is selling, giving or delivering or has sold, given or delivered any electronic nicotine delivery system or vapor product with a flavoring agent, other than tobacco flavor, that has been added for the purpose of flavoring the contents of the electronic nicotine delivery system or vapor product in violation of section 2 of this act. The commissioner shall conduct unannounced follow-up compliance checks of all noncompliant business entities and shall refer all noncompliant business entities to the Commissioner of Revenue Services.

(3) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee, shall conduct unannounced compliance checks on business entities holding a dealer registration to determine whether the business entity is in possession of documentation of the nicotine content provided by each person with a manufacturer registration pursuant to section 2 of this act for each electronic nicotine delivery system or vapor product sold, given or delivered within the retail establishment of the business entity. The commissioner shall refer all business entities that do not possess documentation of nicotine content, or that possess documentation of nicotine content that indicates a level of nicotine that is greater than 35 milligrams per milliliter, in violation of section 2 of this act, to the Commissioner of Revenue Services.
(c) Upon receipt of a referral made pursuant to subsection (b) of this section, the Commissioner of Revenue Services may, following a hearing, impose a civil penalty and direct the Commissioner of Consumer Protection to suspend or revoke the dealer registration of the business entity that is the subject of such referral. The Commissioner of Revenue Services shall provide such business entity with written notice of the hearing, specifying the time and place of such hearing and requiring such business entity to show cause why such dealer registration should not be suspended or revoked. The written notice of the hearing shall be mailed or delivered to such business entity not less than ten days preceding the date of the hearing. Such notice may be served personally or by registered or certified mail.

(d) If the Commissioner of Revenue Services finds, after a hearing pursuant to subsection (c) of this section, that any person employed by any business entity issued a dealer registration under section 21a-415, as amended by this act, has sold, given or delivered an electronic nicotine delivery system or vapor product to a person under twenty-one years of age, other than a person under twenty-one years of age who is delivering or accepting delivery in such person's capacity as an employee, said commissioner shall, for the first violation, require such employee to successfully complete an online prevention education program administered by the Department of Mental Health and Addiction Services not later than thirty days after said commissioner's finding. Said commissioner shall assess any employee who fails to complete such program a civil penalty of [two] four hundred dollars. Said commissioner shall assess any employee a civil penalty of [two hundred fifty] five hundred dollars for a second or subsequent violation on or before twenty-four months after the date of the first violation.

(e) If the Commissioner of Revenue Services finds, after a hearing pursuant to subsection (c) of this section, that (1) any business entity issued a dealer registration under section 21a-415, as amended by this act, has sold, given or delivered an electronic nicotine delivery system or vapor product to a person under twenty-one years of age, other than a person under twenty-one years of age who is delivering or accepting
delivery in such person's capacity as an employee, or (2) such person's employee has sold, given or delivered an electronic nicotine delivery system or vapor product to a person under twenty-one years of age, the commissioner shall, for the first violation, require the authorized owner of such business entity to successfully complete an online prevention education program administered by the Department of Mental Health and Addiction Services not later than thirty days after said commissioner's finding. Said commissioner shall assess any business entity issued a dealer registration, whose authorized owner fails to complete such program, a civil penalty of [three] six hundred dollars for the first violation. Said commissioner shall assess such business entity a civil penalty of [seven hundred fifty] one thousand five hundred dollars for a second violation on or before twenty-four months after the date of the first violation. For a third violation by such business entity on or before twenty-four months after the date of the first violation, said commissioner shall assess such business entity a civil penalty of [one] two thousand dollars and notify the Commissioner of Consumer Protection that the dealer registration held by such business entity under this chapter shall be suspended for not less than thirty days. For a fourth violation on or before twenty-four months after the date of the first violation, the Commissioner of Revenue Services shall assess such business entity a civil penalty of [one] two thousand dollars and notify the Commissioner of Consumer Protection that the dealer registration held by such business entity under said chapter shall be revoked. The Commissioner of Revenue Services shall order such business entity to conspicuously post a notice in a public place stating that electronic nicotine delivery systems and vapor products cannot be sold during the period of suspension or revocation and the reasons for such suspension or revocation. Any sale of an electronic nicotine delivery system or vapor product by such business entity during the period of such suspension or revocation shall be deemed an additional violation of this section.

(f) If the Commissioner of Revenue Services finds, after a hearing pursuant to subsection (c) of this section, that (1) any business entity
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issued a dealer registration under section 21a-415, as amended by this act, has sold, given or delivered an electronic nicotine delivery system or a vapor product with a flavoring agent, other than tobacco flavor, that has been added for the purpose of flavoring the contents of the electronic nicotine delivery system or vapor product, or (2) any such business entity does not possess documentation of nicotine content, or possesses documentation of nicotine content that indicates a level of nicotine that is greater than 35 milligrams per milliliter for any electronic nicotine delivery system or vapor product sold, given or delivered within the retail establishment of the business entity, the commissioner shall, for the first violation, require the authorized owner of such business entity to successfully complete an online prevention education program administered by the Department of Mental Health and Addiction Services not later than thirty days after said commissioner's finding. Said commissioner shall assess such business entity a civil penalty of six hundred dollars for a first violation. Said commissioner shall assess such business entity a civil penalty of one thousand five hundred dollars for a second violation on or before twenty-four months after the date of the first violation. For a third violation by such business entity on or before twenty-four months after the date of the first violation, said commissioner shall assess such business entity a civil penalty of two thousand dollars and notify the Commissioner of Consumer Protection that the dealer registration held by such business entity under chapter 420g shall be suspended for not less than thirty days. For a fourth violation on or before twenty-four months after the date of the first violation, the Commissioner of Revenue Services shall assess such business entity a civil penalty of two thousand dollars and notify the Commissioner of Consumer Protection that the dealer registration held by such business entity under said chapter shall be revoked. The Commissioner of Revenue Services shall order such business entity to conspicuously post a notice in a public place stating that electronic nicotine delivery systems and vapor products cannot be sold during the period of suspension or revocation and the reasons for such suspension or revocation. Any sale of an electronic nicotine delivery system or a vapor product by such business entity during the
period of such suspension or revocation shall be deemed an additional
violation of this section.

[(f)] (g) Upon receipt of notice of determination from the
Commissioner of Revenue Services made under subsection (e) or (f) of
this section, the Commissioner of Consumer Protection shall suspend or
revoke the dealer registration of the business entity that is the subject of
said determination. The Commissioner of Consumer Protection shall
not be required to hold a hearing in connection with any notice of
determination received from the Commissioner of Revenue Services
under this section.

[(g)] (h) The Commissioner of Consumer Protection shall not issue a
new dealer registration to a former registrant whose dealer registration
was revoked unless the commissioner is satisfied that such business
entity that holds a dealer registration will comply with the provisions of
this chapter and any regulations related thereto, and section 53-344b, as
amended by this act.

Sec. 4. Section 12-295a of the 2020 supplement to the general statutes
is repealed and the following is substituted in lieu thereof (Effective
January 1, 2021):

(a) If the Commissioner of Revenue Services finds, after a hearing,
that any person employed by a dealer or distributor, as defined in
section 12-285, has sold, given or delivered cigarettes or tobacco
products to a person under twenty-one years of age other than a person
under twenty-one years of age who is delivering or accepting delivery
in such person's capacity as an employee, said commissioner shall, for
the first violation, require such person to successfully complete an
online tobacco prevention education program administered by the
Department of Mental Health and Addiction Services not later than
thirty days after said commissioner's finding. Said commissioner shall
assess any person who fails to complete such program a civil penalty of
[two] four hundred dollars. Said commissioner shall assess any person
employed by a dealer or distributor a civil penalty of [two hundred fifty]
five hundred dollars for a second or subsequent violation on or before twenty-four months after the date of the first violation.

(b) If the Commissioner of Revenue Services finds, after a hearing, that any dealer or distributor has sold, given or delivered cigarettes or a tobacco product to a person under twenty-one years of age other than a person under twenty-one years of age who is delivering or accepting delivery in such person's capacity as an employee, or such dealer or distributor's employee has sold, given or delivered cigarettes or a tobacco product to such person, said commissioner shall require such dealer or distributor, for the first violation, to successfully complete an online tobacco prevention education program administered by the Department of Mental Health and Addiction Services not later than thirty days after said commissioner's finding. Said commissioner shall assess any dealer or distributor who fails to complete such program a civil penalty of [three] six hundred dollars. Said commissioner shall assess any dealer or distributor a civil penalty of [seven hundred fifty] one thousand five hundred dollars for a second violation on or before twenty-four months after the date of the first violation. For a third violation on or before twenty-four months after the date of the first violation, said commissioner shall assess such dealer or distributor a civil penalty of [one] two thousand dollars and suspend any license held by such dealer or distributor under this chapter for not less than thirty days. For a fourth violation on or before twenty-four months after the date of the first violation, said commissioner shall assess such dealer or distributor a civil penalty of [one] two thousand dollars and revoke any license issued to such dealer or distributor under this chapter. Said commissioner shall order such distributor or dealer to conspicuously post a notice in a public place within such distributor's or dealer's establishment stating that cigarettes and tobacco products cannot be sold during the period of such suspension or revocation and the reasons for such suspension or revocation. Any sale of cigarettes or a tobacco product by such dealer or distributor during such suspension or revocation shall be deemed an additional violation of this subsection.

(c) If the Commissioner of Revenue Services finds, after a hearing,
that any owner of an establishment in which a cigarette vending
machine or restricted cigarette vending machine is located has sold,
given or delivered cigarettes or tobacco products from any such
machine to a person under twenty-one years of age other than a person
under twenty-one years of age who is delivering or accepting delivery
in such person's capacity as an employee, or has allowed cigarettes or
tobacco products to be sold, given or delivered to such person from any
such machine, said commissioner shall require such owner, for the first
violation, to successfully complete an online tobacco prevention
education program administered by the Department of Mental Health
and Addiction Services not later than thirty days after said
commissioner's finding. Said commissioner shall assess any owner who fails to complete such program a civil penalty of [five hundred] one
thousand dollars. Said commissioner shall assess any owner a civil penalty of [seven hundred fifty] one thousand five hundred dollars for
a second violation on or before twenty-four months after the date of the first violation. For a third violation on or before twenty-four months
after the date of the first violation, said commissioner shall assess such
owner a civil penalty of [one] two thousand dollars and immediately
remove any such machine from such establishment and no such
machine may be placed in such establishment for a period of one year
following such removal.

(d) Any person aggrieved by any action of the commissioner
pursuant to this section may take any appeal of such action as provided
in sections 12-311 and 12-312.

Sec. 5. Subsection (b) of section 53-344 of the 2020 supplement to the
general statutes is repealed and the following is substituted in lieu
thereof (Effective January 1, 2021):

(b) Any person who sells, gives or delivers to any person under
twenty-one years of age cigarettes or a tobacco product shall be fined
not more than [three] six hundred dollars for the first offense, not more
than [seven hundred fifty] one thousand five hundred dollars for a
second offense on or before twenty-four months after the date of the first
offense and not more than [one] two thousand dollars for each subsequent offense on or before twenty-four months after the date of the first offense. The provisions of this subsection shall not apply to a person under twenty-one years of age who is delivering or accepting delivery of cigarettes or a tobacco product (1) in such person's capacity as an employee, or (2) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco product use prevention and cessation, provided such medical research has been approved by the organization's institutional review board, as defined in section 21a-408.

Sec. 6. Subsection (b) of section 53-344b of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective January 1, 2021):

(b) Any person who sells, gives or delivers to any person under twenty-one years of age an electronic nicotine delivery system or vapor product in any form shall be fined not more than [three] six hundred dollars for the first offense, not more than [seven hundred fifty] one thousand five hundred dollars for a second offense on or before twenty-four months after the date of the first offense and not more than [one] two thousand dollars for each subsequent offense on or before twenty-four months after the date of the first offense. The provisions of this subsection shall not apply to a person under twenty-one years of age who is delivering or accepting delivery of an electronic nicotine delivery system or vapor product (1) in such person's capacity as an employee, or (2) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in tobacco use prevention and cessation, provided such medical research has been approved by the organization's institutional review board, as defined in section 21a-408.

Sec. 7. Subsection (c) of section 38a-1083 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):
(c) The exchange is authorized and empowered to:

(1) Have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Adopt an official seal and alter the same at pleasure;

(3) Maintain an office in the state at such place or places as it may designate;

(4) Employ such assistants, agents, managers and other employees as may be necessary or desirable;

(5) Acquire, lease, purchase, own, manage, hold and dispose of real and personal property, and lease, convey or deal in or enter into agreements with respect to such property on any terms necessary or incidental to the carrying out of these purposes, provided all such acquisitions of real property for the exchange's own use with amounts appropriated by this state to the exchange or with the proceeds of bonds supported by the full faith and credit of this state shall be subject to the approval of the Secretary of the Office of Policy and Management and the provisions of section 4b-23;

(6) Receive and accept, from any source, aid or contributions, including money, property, labor and other things of value;

(7) Charge assessments or user fees to health carriers that are capable of offering a qualified health plan through the exchange or otherwise generate funding necessary to support the operations of the exchange and the all-payer claims database program established under section 19a-755a and impose interest and penalties on such health carriers for delinquent payments of such assessments or fees;

(8) Procure insurance against loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable;
(9) Invest any funds not needed for immediate use or disbursement in obligations issued or guaranteed by the United States of America or the state and in obligations that are legal investments for savings banks in the state;

(10) Issue bonds, bond anticipation notes and other obligations of the exchange for any of its corporate purposes, and to fund or refund the same and provide for the rights of the holders thereof, and to secure the same by pledge of revenues, notes and mortgages of others;

(11) Borrow money for the purpose of obtaining working capital;

(12) Account for and audit funds of the exchange and any recipients of funds from the exchange;

(13) Make and enter into any contract or agreement necessary or incidental to the performance of its duties and execution of its powers, including, but not limited to, an agreement with the Office of Health Strategy to use funds collected under this section for the operation of the all-payer claims database established under section 19a-755a and to receive data from such database. The contracts entered into by the exchange shall not be subject to the approval of any other state department, office or agency, provided copies of all contracts of the exchange shall be maintained by the exchange as public records, subject to the proprietary rights of any party to the contract, except any agreement with the Office of Health Strategy shall be subject to approval by said office and the Office of Policy and Management and no portion of such agreement shall be considered proprietary;

(14) To the extent permitted under its contract with other persons, consent to any termination, modification, forgiveness or other change of any term of any contractual right, payment, royalty, contract or agreement of any kind to which the exchange is a party;

(15) Award grants to trained and certified individuals and institutions that will assist individuals, families and small employers and their employees in enrolling in appropriate coverage through the
exchange. Applications for grants from the exchange shall be made on
a form prescribed by the board;

(16) Limit the number of plans offered, and use selective criteria in
determining which plans to offer, through the exchange, provided
individuals and employers have an adequate number and selection of
choices;

(17) Evaluate jointly with the Health Care Cabinet established
pursuant to section 19a-725 the feasibility of implementing a basic
health program option as set forth in Section 1331 of the Affordable Care
Act;

(18) Establish one or more subsidiaries, in accordance with section
38a-1093, to further the purposes of the exchange;

(19) Make loans to each subsidiary established pursuant to section
38a-1093 from the assets of the exchange and the proceeds of bonds,
bond anticipation notes and other obligations issued by the exchange or
assign or transfer to such subsidiary any of the rights, moneys or other
assets of the exchange, provided such assignment or transfer is not in
violation of state or federal law;

(20) Sue and be sued, plead and be impleaded;

(21) Adopt regular procedures that are not in conflict with other
provisions of the general statutes, for exercising the power of the
exchange; and

(22) Do all acts and things necessary and convenient to carry out the
purposes of the exchange, provided such acts or things shall not conflict
with the provisions of the Affordable Care Act, regulations adopted
thereunder or federal guidance issued pursuant to the Affordable Care
Act.

(d) (1) The chief executive officer of the exchange shall provide to the
commissioner the name of any health carrier that fails to pay any
assessment or user fee under subdivision (7) of subsection (c) of this
section to the exchange. The commissioner shall see that all laws
respecting the authority of the exchange pursuant to said subdivision
(7) are faithfully executed. The commissioner has all the powers
specifically granted under this title and all further powers that are
reasonable and necessary to enable the commissioner to enforce the
provisions of said subdivision (7).

(2) Any health carrier aggrieved by an administrative action taken by
the commissioner under subdivision (1) of this subsection may appeal
therefrom in accordance with the provisions of section 4-183, except
venue for such appeal shall be in the judicial district of New Britain.

Sec. 8. Subsection (a) of section 19a-490 of the 2020 supplement to the
general statutes is repealed and the following is substituted in lieu
thereof (Effective April 1, 2021):

(a) "Institution" means a hospital, short-term hospital special hospice,
hospice inpatient facility, residential care home, nursing home facility,
home health care agency, home health aide agency, behavioral health
facility, assisted living services agency, substance abuse treatment
facility, outpatient surgical facility, outpatient clinic, an infirmary
operated by an educational institution for the care of students enrolled
in, and faculty and employees of, such institution; a facility engaged in
providing services for the prevention, diagnosis, treatment or care of
human health conditions, including facilities operated and maintained
by any state agency; and a residential facility for persons with
intellectual disability licensed pursuant to section 17a-227 and certified
to participate in the Title XIX Medicaid program as an intermediate care
facility for individuals with intellectual disability. "Institution" does not
include any facility for the care and treatment of persons with mental
illness or substance use disorder operated or maintained by any state
agency, except Whiting Forensic Hospital and the hospital and
psychiatric residential treatment facility units of the Albert J. Solnit
Children's Center;

Sec. 9. Section 19a-490 of the general statutes is amended by adding
subsection (q) as follows (Effective April 1, 2021):

(NEW) (q) "Psychiatric residential treatment facility" means a nonhospital facility with a provider agreement with the Department of Social Services to provide inpatient services to Medicaid-eligible individuals under the age of twenty-one.

Sec. 10. (NEW) (Effective from passage) (a) The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, concerning licensure by the Department of Public Health of the psychiatric residential treatment facilities at the Albert J. Solnit Children's Center. As used in this subsection, "psychiatric residential treatment facility" means a nonhospital facility with a provider agreement with the Department of Social Services to provide inpatient services to Medicaid-eligible individuals under the age of twenty-one.

(b) The commissioner may implement policies and procedures concerning the licensure of the psychiatric residential treatment facilities at the Albert J. Solnit Children's Center while in the process of adopting such policies and procedures as regulations, provided notice of intent to adopt regulations is published on the eRegulations System not later than twenty days after the date of implementation. Policies and procedures implemented pursuant to this subsection shall be valid until the time final regulations are adopted.

Sec. 11. Subsection (a) of section 10-19 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) The knowledge, skills and attitudes required to understand and avoid the effects of alcohol, [of nicotine, [or] tobacco, electronic nicotine delivery systems, vapor products, marijuana and [of] drugs, as defined in subdivision (17) of section 21a-240, on health, character, citizenship and personality development shall be taught every academic year to pupils in all grades in the public schools; and, in teaching such subjects, textbooks and such other materials as are necessary shall be used.
Annually, at such time and in such manner as the Commissioner of Education shall request, each local and regional board of education shall attest to the State Board of Education that all pupils enrolled in its schools have been taught such subjects pursuant to this subsection and in accordance with a planned, ongoing and systematic program of instruction. The content and scheduling of instruction shall be within the discretion of the local or regional board of education. Institutions of higher education approved by the State Board of Education to train teachers shall give instruction on the subjects prescribed in this section and concerning the best methods of teaching the same. The State Board of Education and the Board of Regents for Higher Education in consultation with the Commissioner of Mental Health and Addiction Services and the Commissioner of Public Health shall develop health education or other programs for elementary and secondary schools and for the training of teachers, administrators and guidance personnel with reference to understanding and avoiding the effects of nicotine or tobacco, alcohol and drugs.

Sec. 12. Section 19a-535a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) As used in this section: [a "facility"]

(1) "Facility" means a residential care home, as defined in section 19a-490;

(2) "Emergency" means a situation in which a resident of a facility presents an imminent danger of serious physical harm to self, another resident or an employee or the owner of the facility;

(3) "Department" means the Department of Public Health; and

(4) "Commissioner" means the Commissioner of Public Health, or the commissioner's designee.

(b) A facility shall not transfer or discharge a resident from the facility unless (1) the transfer or discharge is necessary to meet the resident's
welfare and the resident's welfare cannot be met in the facility, (2) the
transfer or discharge is appropriate because the resident's health has
improved sufficiently so the resident no longer needs the services
provided by the facility, (3) the health or safety of individuals in the
facility is endangered, (4) the resident has failed, after reasonable and
appropriate notice, to pay for a stay or a requested service, at the facility
or (5) the facility ceases to operate. [In the case of an involuntary transfer
or discharge the resident and, if known, his legally liable relative,
guardian or conservator shall be given a thirty-day written notification
which includes the reason for the transfer or discharge and notice of the
right of the resident to appeal a transfer or discharge by the facility
pursuant to subsection (d) of this section.] No resident shall be
involuntarily transferred or discharged from a facility if such transfer or
discharge presents imminent danger of death.

(c) The facility shall be responsible for assisting the resident in finding
appropriate placement. A discharge plan, prepared by the facility,
which indicates the resident's individual needs and how such needs will
be met by such alternative placement shall accompany the patient.

[(d) (1) For transfers or discharges effected on or after October 1, 1989,
a resident or his legally liable relative, guardian or conservator who has
been notified by a facility, pursuant to subsection (b) of this section, that
he will be transferred or discharged from the facility may appeal such
transfer or discharge to the Commissioner of Public Health by filing a
request for a hearing with the commissioner within ten days of receipt
of such notice. Upon receipt of any such request, the commissioner or
his designee shall hold a hearing to determine whether the transfer or
discharge is being effected in accordance with this section. Such a
hearing shall be held within seven business days of receipt of such
request and a determination made by the commissioner or his designee
within twenty days of the termination of the hearing. The hearing shall
be conducted in accordance with chapter 54.

(2) In an emergency the facility may request that the commissioner
make a determination as to the need for an immediate transfer or
discharge of a resident. Before making such a determination, the commissioner shall notify the resident and, if known, his legally liable relative, guardian or conservator. The commissioner shall issue such a determination no later than seven days after receipt of the request for such determination. If, as a result of such a request, the commissioner or his designee determines that a failure to effect an immediate transfer or discharge would endanger the health, safety or welfare of the resident or other residents, the commissioner or his designee shall order the immediate transfer or discharge of the resident from the facility. A hearing shall be held in accordance with the requirements of subdivision (1) of this subsection within seven business days of the issuance of any determination issued pursuant to this subdivision.

(3) Any involuntary transfer or discharge shall be stayed pending a determination by the commissioner or his designee. Notwithstanding any provision of the general statutes, the determination of the commissioner or his designee after a hearing shall be final and binding upon all parties and not subject to any further appeal.

(d) On or after October 1, 2020, whenever a transfer or discharge of a resident from a facility takes place, except in the case of an emergency, the facility shall:

(1) Notify, in writing, the resident and, if known, the resident's legal guardian, conservator or other authorized representative of such transfer or discharge not less than sixty calendar days prior to the date of effecting such transfer or discharge. Such notice shall include, but not be limited to: (A) The proposed transfer or discharge; (B) the reasons for the proposed transfer or discharge, including enough detail to enable the resident or the resident's representative to prepare a response; (C) the effective date of the proposed transfer or discharge; (D) the name of the facility and location to which the resident is to be transferred or discharged; (E) the right of the resident or the resident's legal guardian, conservator or other authorized representative to appeal the proposed transfer or discharge and the procedures for initiating such an appeal, as determined by the department; (F) the deadline by which such an
appeal shall be initiated in order to (i) preserve the resident's right to an
appeal hearing; and (ii) stay the proposed transfer or discharge during
the pendency of the appeal, including notice of the right to seek an
extension of such deadline for good cause; and (G) the resident's right
to represent himself or herself or be represented by legal counsel, the
resident's legal guardian, conservator or other authorized
representative, or a relative, or friend. The notice shall also include the
name, mailing address and telephone number of the State Long-Term
Care Ombudsman and be sent by facsimile or electronic communication
to the Office of the Long-Term Care Ombudsman on the same day as
the notice is given to the resident. If the resident is, or the facility alleges
that the resident is, mentally ill or developmentally disabled, the notice
shall also include the name, mailing address and telephone number of
the entity designated by the Governor in accordance with section 46a-10b to serve as the Connecticut protection and advocacy system.

(2) Except in the case of an emergency, whenever the commissioner
receives a request for a hearing in response to a notice of proposed
transfer or discharge under this section and such notice does not meet
the requirements of subdivision (1) of this subsection, the commissioner
shall, not later than ten business days after the date of receipt of such
notice from the resident or the facility, order the transfer or discharge
stayed and return such notice to the facility. Upon receipt of such
returned notice, the facility shall issue a revised notice that meets the
requirements of subdivision (1) of this subsection.

(3) The resident or the resident's legal guardian, conservator or other
authorized representative who has been notified by a facility pursuant
to subdivision (1) of this subsection that such resident will be transferred
or discharged from the facility may initiate an appeal by submitting a
written request to the commissioner not later than sixty calendar days
after the facility issues the notice of the proposed transfer or discharge,
except as provided in subdivision (6) of this subsection. In order to stay
a proposed transfer or discharge pending appeal, such appeal shall be
initiated not later than twenty days after the date the resident receives
the notice of the proposed transfer or discharge from the facility, unless
the resident demonstrates good cause for failing to initiate such appeal within the twenty-day period.

(4) Upon receipt of any such request to appeal a proposed transfer or discharge by the resident and a determination by the commissioner that the notice by the facility meets the requirements of subdivision (1) of this subsection, the commissioner shall hold a hearing on the appeal and determine whether the transfer or discharge is being effected in accordance with this section. The commissioner shall hold such hearing not later than ten business days after the date of receipt of such request, except the resident may request a continuance of the hearing in order to secure legal counsel or for other good cause. The facility shall bear the burden of proving by a preponderance of the evidence that it has complied with the provisions of this section. The commissioner shall make a determination regarding the proposed transfer or discharge not later than thirty days after the date of conclusion of the hearing. The hearing shall be conducted in accordance with the provisions of chapter 54.

(5) Not less than five days prior to the date on which a hearing is to be conducted pursuant to this section, the resident and the resident's legal guardian, conservator or other authorized representative shall have an opportunity to examine, during regular business hours, the contents of the resident's file maintained by the facility and all documents and records to be used by the commissioner or the facility at the hearing. The facility shall have an opportunity to examine, during regular business hours not less than five business days prior to the date of such hearing, all documents and records to be used by the resident at the hearing.

(6) (A) In the case of an emergency, the facility may request that the commissioner hold an expedited hearing on an appeal of a transfer or discharge under this section. The facility shall provide a copy of the request for an expedited hearing and the notice described in subdivision (1) of this subsection to the resident, the resident's legal guardian, conservator or other authorized representative, if known, and the State
Long-Term Care Ombudsman at the same time it makes such request for an expedited hearing. If the commissioner determines that an emergency exists with respect to the resident, the commissioner shall hold a hearing not less than seven business days after the date of receipt of such request. The commissioner shall notify the facility, the resident, the resident's legal guardian, conservator or other authorized representative and the Office of the Long-Term Care Ombudsman of the date of the hearing not less than two business days prior to such date. If the commissioner determines, based on the request, that an emergency does not exist, the commissioner shall proceed in accordance with the provisions of subdivisions (2) to (5), inclusive, of this subsection. The facility shall bear the burden of proving by a preponderance of the evidence that it has complied with the provisions of this section. The hearing shall be conducted in accordance with the provisions of chapter 54.

(B) If a hearing is held based on the assertion by the facility that an emergency exists, a determination regarding transfer or discharge shall be made by the commissioner not later than ten calendar days after the date of the conclusion of the hearing. The facility shall not effect a transfer or discharge of the resident prior to five days after the date of receipt of the decision by the resident or the resident's legal guardian, conservator or other authorized representative, provided any Sunday or legal holiday intervening shall be excluded in computing such five-day period.

(7) If the commissioner determines, after a hearing held in accordance with this section, that the facility transferred or discharged a resident in violation of the provisions of this section, the commissioner may require the facility to readmit the resident to the facility, regardless of whether the resident has accepted placement in another facility or residence pending the issuance of a hearing decision.

(e) The commissioner shall send a copy of his or her decision regarding a transfer or discharge to the facility, the resident and the resident's legal guardian, conservator or other authorized
representative, if known, or the resident's legally liable relative or other responsible party. The decision shall be deemed to have been received five days after the date it was mailed unless the facility, the resident or the resident's legal guardian, conservator, other authorized representative, legally liable relative or other responsible party proves otherwise by a preponderance of the evidence. The facility may not effect a transfer or discharge of the resident prior to fifteen days after the date of receipt of the decision by the resident and the resident's legal guardian, conservator or other authorized representative, if known, or the resident's legally liable relative or other responsible party, except as provided in subdivision (6) of this subsection.

(f) Not later than ten days after the date of a determination by the commissioner in favor of a proposed transfer or discharge of a resident by a facility, the resident may request from the department additional time to find suitable housing. The commissioner shall consider all of the circumstances surrounding the proposed transfer or discharge, the equities involved and whether any undue hardship would result to either party in making its determination.

(g) A facility or resident who is aggrieved by a final decision may appeal to the Superior Court in accordance with the provisions of chapter 54. If the transfer or discharge was stayed during the pendency of the appeal to the commissioner, such stay shall remain in place and be continued during any appeal to the Superior Court pursuant to this section and for such additional period as is required for a decision by the commissioner pursuant to subsection (d) or (e) of this section. Nothing in this section shall preclude the commissioner or the Superior Court, in its discretion, from extending or imposing a stay beyond the minimum stay required by this section. The Superior Court may consider an appeal from a decision of the commissioner pursuant to this section as a privileged case in order to dispose of the case with the least possible delay.
This act shall take effect as follows and shall amend the following sections:

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<tr>
<th>Section</th>
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<th>Section Reference</th>
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<tr>
<td>1</td>
<td>January 1, 2021</td>
<td>21a-415(a)</td>
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<tr>
<td>2</td>
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<td>New section</td>
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<tr>
<td>3</td>
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<td>11</td>
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<td>12</td>
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<td>19a-535a</td>
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**Statement of Purpose:**
To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]