



Senate

General Assembly

File No. 516

February Session, 2022

Substitute Senate Bill No. 5

Senate, April 19, 2022

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ONLINE DATING OPERATORS, ONLINE CHILD GROOMING AND HARASSMENT, DOMESTIC VIOLENCE TRAINING AND PROTECTIONS FOR VICTIMS OF FAMILY VIOLENCE AND DOMESTIC VIOLENCE.

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

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section
2 and sections 2 to 4, inclusive, of this act:

3 (1) "Online dating" means the act of using software applications to
4 initiate relationships with other individuals for the purpose of romance,
5 sex or marriage.

6 (2) "Online dating operator" means a person who operates a software
7 application designed to facilitate online dating.

8 (3) "User" means an individual who uses the online dating services of
9 an online dating operator.

10 (b) On and after October 1, 2022, prior to a user being permitted to

11 utilize an online dating software application, the online dating operator
12 shall require the user to establish an online dating account. In order to
13 establish an online dating account, the online dating operator shall:

14 (1) Create an electronic user file, which file shall minimally include:

15 (A) The user's legal name;

16 (B) The user's date of birth;

17 (C) The entire or last four digits of the user's Social Security number
18 or an equivalent identification number for a foreign user, such as the
19 user's passport number or taxpayer identification number;

20 (D) The user's address;

21 (E) The user's electronic mail address;

22 (F) The user's telephone number;

23 (G) Any other information collected from the user used to verify the
24 user's identity;

25 (H) The method used to verify the user's identity; and

26 (I) The date of verification.

27 (2) Encrypt all confidential information contained in an electronic
28 user file;

29 (3) Verify the user's identity in accordance with section 2 of this act
30 or through an alternative methodology for remote multi-sourced
31 authentication, which may include third-party and governmental
32 databases, that may be approved by the Department of Consumer
33 Protection; and

34 (4) Record the user's certification that the information provided to the
35 online dating operator by the user is accurate.

36 (c) Each online dating account shall be (1) nontransferable, and (2)

37 unique to the user who establishes the account.

38 (d) Online dating operators shall maintain electronic user files for two
39 years after the date of termination of an online dating account and shall
40 destroy all copies of the electronic user file after such two-year period
41 expires.

42 Sec. 2. (NEW) (*Effective October 1, 2022*) (a) On and after October 1,
43 2022, prior to an individual being allowed to open an online dating
44 account, an online dating operator shall conduct a comprehensive
45 identity check of such individual. An online dating operator may
46 contract with a third party for identity verification of any individual
47 seeking to open an online dating account.

48 (b) The comprehensive identity check shall minimally include an
49 identity search of the individual's name, date of birth, address and last
50 four digits of the individual's Social Security number or an equivalent
51 identification number for a foreign user. Prior to establishing the online
52 dating account, an online dating operator shall utilize identity
53 authentication questions that require an individual who seeks to use the
54 online dating service to provide information known only to the
55 individual, such as previous addresses or credit transactions, unless an
56 alternate method of authentication of equal or greater security and
57 effectiveness is approved, in writing, by the Department of Consumer
58 Protection.

59 Sec. 3. (NEW) (*Effective October 1, 2022*) On and after October 1, 2022,
60 online dating operators shall develop their online dating services to
61 maintain the security and confidentiality of participation and all
62 information in an electronic user file, except such information shall be
63 disclosed in response to a lawful subpoena, summons, warrant or court
64 order.

65 Sec. 4. (NEW) (*Effective October 1, 2022*) (a) The Department of
66 Consumer Protection may issue fines of not more than twenty-five
67 thousand dollars per violation, accept an offer in compromise, or take
68 other actions permitted by the general statutes or the regulations of

69 Connecticut state agencies if an online dating operator fails to collect,
70 keep confidential or disclose information in accordance with the
71 provisions of sections 1 to 3, inclusive, of this act.

72 (b) The Commissioner of Consumer Protection, or the commissioner's
73 designee, may conduct investigations and hold hearings on any matter
74 under the provisions of this section and sections 1 to 3, inclusive, of this
75 act. The commissioner, or the commissioner's designee, may issue
76 subpoenas, administer oaths, compel testimony and order the
77 production of books, records and documents. If any person refuses to
78 appear, to testify or to produce any book, record or document when so
79 ordered, upon application of the commissioner or the commissioner's
80 designee, a judge of the Superior Court may make such order as may be
81 appropriate to aid in the enforcement of this section.

82 (c) The Attorney General, at the request of the commissioner or the
83 commissioner's designee, may apply in the name of the state to the
84 Superior Court for an order temporarily or permanently restraining and
85 enjoining any person from violating any provision of this section and
86 sections 1 to 3, inclusive, of this act.

87 Sec. 5. (*Effective from passage*) (a) There is established a working group
88 to examine and develop recommendations regarding potential
89 legislation to criminalize child grooming, including acts to persuade,
90 coerce, induce or entice a minor for the purposes of: (1) Sexually
91 exploiting the minor; (2) the creation of child pornography; (3) engaging
92 the minor in prostitution; or (4) trafficking the minor.

93 (b) The working group shall be comprised of: (1) An individual
94 appointed by the president pro tempore of the Senate, who shall serve
95 as the chairperson of the working group, (2) an individual appointed by
96 the speaker of the House of Representatives, (3) an individual appointed
97 by the minority leader of the Senate, (4) an individual appointed by the
98 minority leader of the House of Representatives, (5) an individual
99 appointed by the Senate chairperson of the joint standing committee of
100 the General Assembly having cognizance of matters relating to the
101 judiciary, (6) an individual appointed by the House chairperson of the

102 joint standing committee of the General Assembly having cognizance of
103 matters relating to the judiciary, (7) an individual appointed by the
104 Senate ranking member of the joint standing committee of the General
105 Assembly having cognizance of matters relating to the judiciary, (8) an
106 individual appointed by the House ranking member of the joint
107 standing committee of the General Assembly having cognizance of
108 matters relating to the judiciary, (9) the Chief Public Defender, or the
109 Chief Public Defender's designee, and (10) the Chief State's Attorney, or
110 the Chief State's Attorney's designee. Any member of the working
111 group appointed under subdivisions (1) to (8), inclusive, of this
112 subsection may be a member of the General Assembly.

113 (c) All appointments to the working group shall be made not later
114 than sixty days after the effective date of this section. The appointing
115 authority shall provide a copy of such appointment to the administrator
116 of the joint standing committee of the General Assembly having
117 cognizance of matters relating to the judiciary not later than seven days
118 after the date of the appointment.

119 (d) The chairperson of the working group shall schedule the first
120 meeting of the working group, which shall be held not later than ninety
121 days after the effective date of this section.

122 (e) On or before December 31, 2022, the working group shall report
123 its recommendations, in accordance with the provisions of section 11-4a
124 of the general statutes, to the joint standing committee of the General
125 Assembly having cognizance of matters relating to the judiciary. The
126 working group shall terminate on the date that it submits such report or
127 December 31, 2022, whichever is later.

128 Sec. 6. (NEW) (*Effective July 1, 2022*) (a) As used in this section:

129 (1) "Eligible entity" means any of the following located in this state:
130 (A) A local or regional school district, (B) a historical society, (C) a tax-
131 exempt entity registered with the office of the Secretary of the State, (D)
132 a government agency, (E) a constituent unit of the state system of higher
133 education, (F) a public library, or (G) any other entity operating under

134 another entity described in this subdivision; and

135 (2) "Online abuse" means the following acts, when conducted using
136 any interactive computer service: (A) Speech or conduct motivated by
137 hatred, prejudice or bigotry towards a person or group based on the
138 person's actual or perceived religion, national origin, alienage, color,
139 race, sex, gender identity or expression, sexual orientation or disability,
140 (B) harassment, (C) stalking, (D) swatting, (E) doxing, or (F) an assault.

141 (b) There is established a grant program to provide educational and
142 training opportunities with the goal of preventing online abuse and
143 informing individuals about identifying, reporting, responding to and
144 avoiding online abuse. The grant program shall be administered by the
145 Department of Emergency Services and Public Protection, in
146 consultation with the State-Wide Hate Crimes Advisory Council,
147 established under section 51-279f of the general statutes.

148 (c) Not later than three months after receiving funds from the state
149 for any fiscal year, the administrator of the grant program shall issue a
150 request for proposals from any eligible entity. Each response to the
151 request for proposals shall: Specify the types of online abuse that the
152 entity proposes to address in accordance with the purposes of the
153 program under subsection (b) of this section; the methods used to
154 achieve the goals of the program; other specific goals of the eligible
155 entity; the target audience of the training and information that the entity
156 would provide; whether the eligible entity is replicating a program
157 found to have a high likelihood of success as determined by a cost-
158 benefit analysis appearing in a peer reviewed academic journal; and the
159 amount, if any, of matching funds the eligible entity will contribute.

160 (d) The department may award grants for any programming or
161 service that prevents online abuse or furthers the other goals of the
162 program under subsection (b) of this section, including training teachers
163 or professionals within schools, archiving, public murals, curriculum
164 development and marketing. Eligible entities may use the funds
165 awarded under this subsection collectively, including regionally,
166 through coordinated efforts and conferences that achieve the goals of

167 the program.

168 (e) The department may only award a grant to an eligible entity in an
169 amount not to exceed thirty thousand dollars during any fiscal year.

170 Sec. 7. Subdivision (10) of section 46a-51 of the 2022 supplement to
171 the general statutes is repealed and the following is substituted in lieu
172 thereof (*Effective October 1, 2022*):

173 (10) "Employer" includes the state and all political subdivisions
174 thereof and means any person or employer with [three] one or more
175 persons in such person's or employer's employ;

176 Sec. 8. Section 46a-54 of the 2022 supplement to the general statutes
177 is repealed and the following is substituted in lieu thereof (*Effective*
178 *October 1, 2022*):

179 The commission shall have the following powers and duties:

180 (1) To establish and maintain such offices as the commission may
181 deem necessary;

182 (2) To organize the commission into a division of affirmative action
183 monitoring and contract compliance, a division of discriminatory
184 practice complaints and such other divisions, bureaus or units as may
185 be necessary for the efficient conduct of business of the commission;

186 (3) To employ legal staff and commission legal counsel as necessary
187 to perform the duties and responsibilities under section 46a-55. One
188 commission legal counsel shall serve as supervising attorney. Each
189 commission legal counsel shall be admitted to practice law in this state;

190 (4) To appoint such investigators and other employees and agents as
191 it deems necessary, fix their compensation within the limitations
192 provided by law and prescribe their duties;

193 (5) To adopt, publish, amend and rescind regulations consistent with
194 and to effectuate the provisions of this chapter;

195 (6) To establish rules of practice to govern, expedite and effectuate
196 the procedures set forth in this chapter;

197 (7) To recommend policies and make recommendations to agencies
198 and officers of the state and local subdivisions of government to
199 effectuate the policies of this chapter;

200 (8) To receive, initiate as provided in section 46a-82, investigate and
201 mediate discriminatory practice complaints;

202 (9) By itself or with or by hearing officers or human rights referees, to
203 hold hearings, subpoena witnesses and compel their attendance,
204 administer oaths, take the testimony of any person under oath and
205 require the production for examination of any books and papers relating
206 to any matter under investigation or in question;

207 (10) To make rules as to the procedure for the issuance of subpoenas
208 by individual commissioners, hearing officers and human rights
209 referees;

210 (11) To require written answers to interrogatories under oath relating
211 to any complaint under investigation pursuant to this chapter alleging
212 any discriminatory practice as defined in subdivision (8) of section 46a-
213 51, and to adopt regulations, in accordance with the provisions of
214 chapter 54, for the procedure for the issuance of interrogatories and
215 compliance with interrogatory requests;

216 (12) To utilize such voluntary and uncompensated services of private
217 individuals, agencies and organizations as may from time to time be
218 offered and needed and with the cooperation of such agencies, (A) to
219 study the problems of discrimination in all or specific fields of human
220 relationships, and (B) to foster through education and community effort
221 or otherwise good will among the groups and elements of the
222 population of the state;

223 (13) To require the posting by an employer, employment agency or
224 labor organization of such notices regarding statutory provisions as the
225 commission shall provide;

226 (14) To require the posting, by any respondent or other person subject
227 to the requirements of section 46a-64, as amended by this act, 46a-64c,
228 as amended by this act, 46a-81d or 46a-81e, of such notices of statutory
229 provisions as it deems desirable;

230 (15) To require an employer having three or more employees to (A)
231 post in a prominent and accessible location information concerning the
232 illegality of sexual harassment and remedies available to victims of
233 sexual harassment; [] (B) provide, not later than three months after the
234 employee's start date with the employer, a copy of the information
235 concerning the illegality of sexual harassment and remedies available to
236 victims of sexual harassment to each employee by electronic mail with
237 a subject line that includes the words "Sexual Harassment Policy" or
238 words of similar import, if (i) the employer has provided an electronic
239 mail account to the employee, or (ii) the employee has provided the
240 employer with an electronic mail address, provided if an employer has
241 not provided an electronic mail account to the employee, the employer
242 shall post the information concerning the illegality of sexual harassment
243 and remedies available to victims of sexual harassment on the
244 employer's Internet web site, if the employer maintains such an Internet
245 web site. An employer may comply with the requirements of this
246 subparagraph, by providing an employee with the link to the
247 commission's Internet web site concerning the illegality of sexual
248 harassment and the remedies available to victims of sexual harassment
249 by electronic mail, text message or in writing; and (C) provide two hours
250 of training and education to employees within one year of October 1,
251 2019, provided any employer who has provided such training and
252 education to any such employees after October 1, 2018, shall not be
253 required to provide such training and education a second time. An
254 employer having (i) three or more employees, shall provide such
255 training and education to an employee hired on or after October 1, 2019,
256 not later than six months after the date of his or her hire, provided the
257 commission has developed and made available such training and
258 education materials in accordance with the provisions of subdivision (8)
259 of subsection (a) of section 46a-56, as amended by this act; or (ii) less
260 than three employees shall provide such training and education to all

261 supervisory employees within one year of October 1, 2019, and to all
262 new supervisory employees within six months of their assumption of a
263 supervisory position, provided any employer who has provided such
264 training and education to any such supervisory employees after October
265 1, 2018, shall not be required to provide such training and education a
266 second time. Any supervisory employee hired on or after October 1,
267 2019, by an employer having less than three employees, shall receive
268 such training and education not later than six months after the date of
269 his or her hire, provided the commission has developed and made
270 available such training and education materials in accordance with the
271 provisions of subdivision (8) of subsection (a) of section 46a-56, as
272 amended by this act. Such training and education shall include
273 information concerning the federal and state statutory provisions
274 concerning sexual harassment and remedies available to victims of
275 sexual harassment. If an employee has received in-person training
276 provided by the commission or has taken the no cost online training
277 provided by the commission on its Internet web site in accordance with
278 the provisions of subdivision (8) of subsection (a) of section 46a-56, as
279 amended by this act, while employed by a different employer within the
280 two years preceding the date of hire, an employer may consider such
281 prior training to satisfy the training requirements of this section. An
282 employer who is required to provide training under this subdivision
283 shall provide periodic supplemental training that updates all
284 supervisory and nonsupervisory employees on the content of such
285 training and education not less than every ten years. As used in this
286 subdivision, "sexual harassment" has the same meaning as provided in
287 subdivision (8) of subsection (b) of section 46a-60, as amended by this
288 act, and "employer" includes the General Assembly and "employee"
289 means any individual employed by an employer, including an
290 individual employed by such individual's parent, spouse or child;

291 (16) To require each state agency that employs one or more
292 employees to (A) provide a minimum of three hours of diversity
293 training and education (i) to all supervisory and nonsupervisory
294 employees, not later than July 1, 2002, with priority for such training to
295 supervisory employees, and (ii) to all newly hired supervisory and

296 nonsupervisory employees, not later than six months after their
297 assumption of a position with a state agency, with priority for such
298 training to supervisory employees. Such training and education shall
299 include information concerning the federal and state statutory
300 provisions concerning discrimination and hate crimes directed at
301 protected classes and remedies available to victims of discrimination
302 and hate crimes, standards for working with and serving persons from
303 diverse populations and strategies for addressing differences that may
304 arise from diverse work environments; and (B) submit an annual report
305 to the Commission on Human Rights and Opportunities concerning the
306 status of the diversity training and education required under
307 subparagraph (A) of this subdivision. The information in such annual
308 reports shall be reviewed by the commission for the purpose of
309 submitting an annual summary report to the General Assembly.
310 Notwithstanding the provisions of this section, if a state agency has
311 provided such diversity training and education to any of its employees
312 prior to October 1, 1999, such state agency shall not be required to
313 provide such training and education a second time to such employees.
314 The requirements of this subdivision shall be accomplished within
315 available appropriations. As used in this subdivision, "employee"
316 includes any part-time employee who works more than twenty hours
317 per week;

318 (17) To require each agency to submit information demonstrating its
319 compliance with subdivision (16) of this section as part of its affirmative
320 action plan and to receive and investigate complaints concerning the
321 failure of a state agency to comply with the requirements of subdivision
322 (16) of this section; [and]

323 (18) To enter into contracts for and accept grants of private or federal
324 funds and to accept gifts, donations or bequests, including donations of
325 service by attorneys; [.]

326 (19) To require each state agency that employs one or more
327 employees to provide a minimum of one hour of training and education
328 related to domestic violence and the resources available to victims of

329 domestic violence (A) to all employees hired prior to January 1, 2023,
330 not later than July 1, 2023, and (B) to all employees hired on or after
331 January 1, 2023, not later than six months after their assumption of a
332 position with a state agency. Such training and education shall include
333 information concerning (i) domestic violence, abuser and victim
334 behaviors; (ii) how domestic violence may impact the workplace; and
335 (iii) the resources available to victims of domestic violence. The
336 requirements of this subdivision shall be accomplished within available
337 appropriations using the training and education materials made
338 available by the commission in accordance with the provisions of
339 subdivision (10) of subsection (a) of section 46a-56, as amended by this
340 act; and

341 (20) To require an employer having three or more employees to post
342 in a prominent and accessible location information concerning domestic
343 violence and the resources available to victims of domestic violence in
344 Connecticut.

345 Sec. 9. Subsection (a) of section 46a-56 of the general statutes is
346 repealed and the following is substituted in lieu thereof (*Effective October*
347 *1, 2022*):

348 (a) The commission shall:

349 (1) Investigate the possibilities of affording equal opportunity of
350 profitable employment to all persons, with particular reference to job
351 training and placement;

352 (2) Compile facts concerning discrimination in employment,
353 violations of civil liberties and other related matters;

354 (3) Investigate and proceed in all cases of discriminatory practices as
355 provided in this chapter and noncompliance with the provisions of
356 section 4a-60, as amended by this act, or 4a-60a or sections 46a-68c to
357 46a-68f, inclusive;

358 (4) From time to time, but not less than once a year, report to the
359 Governor as provided in section 4-60, making recommendations for the

360 removal of such injustices as it may find to exist and such other
361 recommendations as it deems advisable and describing the
362 investigations, proceedings and hearings it has conducted and their
363 outcome, the decisions it has rendered and the other work it has
364 performed;

365 (5) Monitor state contracts to determine whether they are in
366 compliance with sections 4a-60, as amended by this act, and 4a-60a, and
367 those provisions of the general statutes which prohibit discrimination;

368 (6) Compile data concerning state contracts with female and minority
369 business enterprises and submit a report annually to the General
370 Assembly concerning the employment of such business enterprises as
371 contractors and subcontractors;

372 (7) Develop and include on the commission's Internet web site a link
373 concerning the illegality of sexual harassment, as defined in section 46a-
374 60, as amended by this act, and the remedies available to victims of
375 sexual harassment; [and]

376 (8) Develop and make available at no cost to employers an online
377 training and education video or other interactive method of training and
378 education that fulfills the requirements prescribed in subdivision (15) of
379 section 46a-54, [.] as amended by this act;

380 (9) Develop, in conjunction with organizations that advocate on
381 behalf of victims of domestic violence, and include on the commission's
382 Internet web site a link concerning domestic violence and the resources
383 available to victims of domestic violence; and

384 (10) Develop, in conjunction with organizations that advocate on
385 behalf of victims of domestic violence, and make available at no cost to
386 each state agency an online training and education video or other
387 interactive method of training and education that fulfills the
388 requirements prescribed in subdivision (19) of section 46a-54, as
389 amended by this act.

390 Sec. 10. Section 46a-60 of the 2022 supplement to the general statutes

391 is repealed and the following is substituted in lieu thereof (*Effective*
392 *October 1, 2022*):

393 (a) As used in this section:

394 (1) "Employee" means an employee, as defined in section 46a-51, as
395 amended by this act, and includes any elected or appointed official of a
396 municipality, board, commission, counsel or other governmental body;

397 (2) "Family violence" has the same meaning as provided in section
398 46b-38a;

399 [(1)] (3) "Pregnancy" means pregnancy, childbirth or a related
400 condition, including, but not limited to, lactation;

401 [(2)] (4) "Reasonable accommodation" means, but is not limited to,
402 being permitted to sit while working, more frequent or longer breaks,
403 periodic rest, assistance with manual labor, job restructuring, light duty
404 assignments, modified work schedules, temporary transfers to less
405 strenuous or hazardous work, time off to recover from childbirth or
406 break time and appropriate facilities for expressing breast milk; and

407 [(3)] (5) "Undue hardship" means an action requiring significant
408 difficulty or expense when considered in light of factors such as (A) the
409 nature and cost of the accommodation; (B) the overall financial
410 resources of the employer; (C) the overall size of the business of the
411 employer with respect to the number of employees, and the number,
412 type and location of its facilities; and (D) the effect on expenses and
413 resources or the impact otherwise of such accommodation upon the
414 operation of the employer.

415 (b) It shall be a discriminatory practice in violation of this section:

416 (1) For an employer, by the employer or the employer's agent, except
417 in the case of a bona fide occupational qualification or need, to refuse to
418 hire or employ or to bar or to discharge from employment any
419 individual or to discriminate against any individual in compensation or
420 in terms, conditions or privileges of employment because of the

421 individual's race, color, religious creed, age, sex, gender identity or
422 expression, marital status, national origin, ancestry, present or past
423 history of mental disability, intellectual disability, learning disability,
424 physical disability, including, but not limited to, blindness, [or] status
425 as a veteran or status as a victim of family violence;

426 (2) For any employment agency, except in the case of a bona fide
427 occupational qualification or need, to fail or refuse to classify properly
428 or refer for employment or otherwise to discriminate against any
429 individual because of such individual's race, color, religious creed, age,
430 sex, gender identity or expression, marital status, national origin,
431 ancestry, present or past history of mental disability, intellectual
432 disability, learning disability, physical disability, including, but not
433 limited to, blindness, [or] status as a veteran or status as a victim of
434 family violence;

435 (3) For a labor organization, because of the race, color, religious creed,
436 age, sex, gender identity or expression, marital status, national origin,
437 ancestry, present or past history of mental disability, intellectual
438 disability, learning disability, physical disability, including, but not
439 limited to, blindness, [or] status as a veteran or status as a victim of
440 family violence of any individual to exclude from full membership
441 rights or to expel from its membership such individual or to
442 discriminate in any way against any of its members or against any
443 employer or any individual employed by an employer, unless such
444 action is based on a bona fide occupational qualification;

445 (4) For any person, employer, labor organization or employment
446 agency to discharge, expel or otherwise discriminate against any person
447 because such person has opposed any discriminatory employment
448 practice or because such person has filed a complaint or testified or
449 assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;

450 (5) For any person, whether an employer or an employee or not, to
451 aid, abet, incite, compel or coerce the doing of any act declared to be a
452 discriminatory employment practice or to attempt to do so;

453 (6) For any person, employer, employment agency or labor
454 organization, except in the case of a bona fide occupational qualification
455 or need, to advertise employment opportunities in such a manner as to
456 restrict such employment so as to discriminate against individuals
457 because of their race, color, religious creed, age, sex, gender identity or
458 expression, marital status, national origin, ancestry, present or past
459 history of mental disability, intellectual disability, learning disability,
460 physical disability, including, but not limited to, blindness, [or] status
461 as a veteran or status as a victim of family violence;

462 (7) For an employer, by the employer or the employer's agent: (A) To
463 terminate a woman's employment because of her pregnancy; (B) to
464 refuse to grant to that employee a reasonable leave of absence for
465 disability resulting from her pregnancy; (C) to deny to that employee,
466 who is disabled as a result of pregnancy, any compensation to which
467 she is entitled as a result of the accumulation of disability or leave
468 benefits accrued pursuant to plans maintained by the employer; (D) to
469 fail or refuse to reinstate the employee to her original job or to an
470 equivalent position with equivalent pay and accumulated seniority,
471 retirement, fringe benefits and other service credits upon her signifying
472 her intent to return unless, in the case of a private employer, the
473 employer's circumstances have so changed as to make it impossible or
474 unreasonable to do so; (E) to limit, segregate or classify the employee in
475 a way that would deprive her of employment opportunities due to her
476 pregnancy; (F) to discriminate against an employee or person seeking
477 employment on the basis of her pregnancy in the terms or conditions of
478 her employment; (G) to fail or refuse to make a reasonable
479 accommodation for an employee or person seeking employment due to
480 her pregnancy, unless the employer can demonstrate that such
481 accommodation would impose an undue hardship on such employer;
482 (H) to deny employment opportunities to an employee or person
483 seeking employment if such denial is due to the employee's request for
484 a reasonable accommodation due to her pregnancy; (I) to force an
485 employee or person seeking employment affected by pregnancy to
486 accept a reasonable accommodation if such employee or person seeking
487 employment (i) does not have a known limitation related to her

488 pregnancy, or (ii) does not require a reasonable accommodation to
489 perform the essential duties related to her employment; (J) to require an
490 employee to take a leave of absence if a reasonable accommodation can
491 be provided in lieu of such leave; and (K) to retaliate against an
492 employee in the terms, conditions or privileges of her employment
493 based upon such employee's request for a reasonable accommodation;

494 (8) For an employer, by the employer or the employer's agent, for an
495 employment agency, by itself or its agent, or for any labor organization,
496 by itself or its agent, to harass any employee, person seeking
497 employment or member on the basis of sex or gender identity or
498 expression. If an employer takes immediate corrective action in
499 response to an employee's claim of sexual harassment, such corrective
500 action shall not modify the conditions of employment of the employee
501 making the claim of sexual harassment unless such employee agrees, in
502 writing, to any modification in the conditions of employment.
503 "Corrective action" taken by an employer, includes, but is not limited to,
504 employee relocation, assigning an employee to a different work
505 schedule or other substantive changes to an employee's terms and
506 conditions of employment. Notwithstanding an employer's failure to
507 obtain a written agreement from an employee concerning a modification
508 in the conditions of employment, the commission may find that
509 corrective action taken by an employer was reasonable and not of
510 detriment to the complainant based on the evidence presented to the
511 commission by the complainant and respondent. As used in this
512 subdivision, "sexual harassment" means any unwelcome sexual
513 advances or requests for sexual favors or any conduct of a sexual nature
514 when (A) submission to such conduct is made either explicitly or
515 implicitly a term or condition of an individual's employment, (B)
516 submission to or rejection of such conduct by an individual is used as
517 the basis for employment decisions affecting such individual, or (C)
518 such conduct has the purpose or effect of [substantially] interfering with
519 an individual's work performance or creating an intimidating, hostile or
520 offensive working environment;

521 (9) For an employer, by the employer or the employer's agent, for an

522 employment agency, by itself or its agent, or for any labor organization,
523 by itself or its agent, to request or require information from an
524 employee, person seeking employment or member relating to the
525 individual's child-bearing age or plans, pregnancy, function of the
526 individual's reproductive system, use of birth control methods, or the
527 individual's familial responsibilities, unless such information is directly
528 related to a bona fide occupational qualification or need, provided an
529 employer, through a physician may request from an employee any such
530 information which is directly related to workplace exposure to
531 substances which may cause birth defects or constitute a hazard to an
532 individual's reproductive system or to a fetus if the employer first
533 informs the employee of the hazards involved in exposure to such
534 substances;

535 (10) For an employer, by the employer or the employer's agent, after
536 informing an employee, pursuant to subdivision (9) of this subsection,
537 of a workplace exposure to substances which may cause birth defects or
538 constitute a hazard to an employee's reproductive system or to a fetus,
539 to fail or refuse, upon the employee's request, to take reasonable
540 measures to protect the employee from the exposure or hazard
541 identified, or to fail or refuse to inform the employee that the measures
542 taken may be the subject of a complaint filed under the provisions of
543 this chapter. Nothing in this subdivision is intended to prohibit an
544 employer from taking reasonable measures to protect an employee from
545 exposure to such substances. For the purpose of this subdivision,
546 "reasonable measures" shall be those measures which are consistent
547 with business necessity and are least disruptive of the terms and
548 conditions of the employee's employment;

549 (11) For an employer, by the employer or the employer's agent, for an
550 employment agency, by itself or its agent, or for any labor organization,
551 by itself or its agent: (A) To request or require genetic information from
552 an employee, person seeking employment or member, or (B) to
553 discharge, expel or otherwise discriminate against any person on the
554 basis of genetic information. For the purpose of this subdivision,
555 "genetic information" means the information about genes, gene

556 products or inherited characteristics that may derive from an individual
557 or a family member;

558 (12) For an employer, by the employer or the employer's agent, to
559 request or require a prospective employee's age, date of birth, dates of
560 attendance at or date of graduation from an educational institution on
561 an initial employment application, provided the provisions of this
562 subdivision shall not apply to any employer requesting or requiring
563 such information (A) based on a bona fide occupational qualification or
564 need, or (B) when such information is required to comply with any
565 provision of state or federal law; [.] and

566 (13) (A) For an employer to refuse to provide a reasonable
567 accommodation to an employee who is known by the employer to be a
568 victim of family violence, unless such absence would cause an undue
569 hardship to the employer. The employer may require an employee to
570 charge any time off pursuant to this subsection against any leave with
571 pay ordinarily granted, where available, unless otherwise provided for
572 in a collective bargaining agreement or existing employee handbook or
573 policy, and any such absence that cannot be charged may be treated as
574 leave without pay. An employee may seek a reasonable accommodation
575 under this subsection in order to: (i) Seek attention for injuries caused
576 by family violence including for a child who is a victim of family
577 violence, provided the employee is not the perpetrator of the family
578 violence against the child; (ii) obtain services from a family violence
579 shelter, program or rape crisis center as a result of family violence; (iii)
580 obtain psychological counseling related to an incident or incidents of
581 family violence, including for a child who is a victim of family violence,
582 provided the employee is not the perpetrator of the family violence
583 against the child; (iv) participate in safety planning and taking other
584 actions to increase safety from future incidents of family violence,
585 including temporary or permanent relocation; or (v) obtain legal
586 services, assisting in the prosecution of the offense, or otherwise
587 participate in legal proceedings in relation to the incident or incidents of
588 family violence.

589 (B) An employee who is absent from work in accordance with the
590 provisions of subparagraph (A) of this subdivision shall, within a
591 reasonable time after the absence, provide a certification to the employer
592 when requested by the employer. Such certification shall be in the form
593 of: (i) A police report indicating that the employee or the employee's
594 child was a victim of family violence; (ii) a court order protecting or
595 separating the employee or employee's child from the perpetrator of an
596 act of family violence; (iii) other evidence from the court or prosecuting
597 attorney that the employee appeared in court; or (iv) documentation
598 from a medical professional or a domestic violence counselor, as defined
599 in section 52-146k, that the employee or the employee's child was
600 undergoing counseling or treatment for physical or mental injuries or
601 abuse resulting in victimization from an act of family violence.

602 (C) Where an employee has a physical or mental disability resulting
603 from an incident or series of incidents of family violence, such employee
604 shall be treated in the same manner as an employee with any other
605 disability, pursuant to the provisions of this section which provide that
606 discrimination and refusal to provide reasonable accommodation of
607 disability are unlawful discriminatory practices.

608 (D) To the extent permitted by law, employers shall maintain the
609 confidentiality of any information regarding an employee's status as a
610 victim of family violence.

611 (c) (1) The provisions of this section concerning age shall not apply
612 to: (A) The termination of employment of any person with a contract of
613 unlimited tenure at an independent institution of higher education who
614 is mandatorily retired, on or before July 1, 1993, after having attained
615 the age of seventy; (B) the termination of employment of any person
616 who has attained the age of sixty-five and who, for the two years
617 immediately preceding such termination, is employed in a bona fide
618 executive or a high policy-making position, if such person is entitled to
619 an immediate nonforfeitable annual retirement benefit under a pension,
620 profit-sharing, savings or deferred compensation plan, or any
621 combination of such plans, from such person's employer, which equals,

622 in aggregate, at least forty-four thousand dollars; (C) the termination of
623 employment of persons in occupations, including police work and fire-
624 fighting, in which age is a bona fide occupational qualification; (D) the
625 operation of any bona fide apprenticeship system or plan; or (E) the
626 observance of the terms of a bona fide seniority system or any bona fide
627 employee benefit plan for retirement, pensions or insurance which is not
628 adopted for the purpose of evading said provisions, except that no such
629 plan may excuse the failure to hire any individual and no such system
630 or plan may require or permit the termination of employment on the
631 basis of age. No such plan which covers less than twenty employees may
632 reduce the group hospital, surgical or medical insurance coverage
633 provided under the plan to any employee who has reached the age of
634 sixty-five and is eligible for Medicare benefits or any employee's spouse
635 who has reached age sixty-five and is eligible for Medicare benefits
636 except to the extent such coverage is provided by Medicare. The terms
637 of any such plan which covers twenty or more employees shall entitle
638 any employee who has attained the age of sixty-five and any employee's
639 spouse who has attained the age of sixty-five to group hospital, surgical
640 or medical insurance coverage under the same conditions as any
641 covered employee or spouse who is under the age of sixty-five.

642 (2) No employee retirement or pension plan may exclude any
643 employee from membership in such plan or cease or reduce the
644 employee's benefit accruals or allocations under such plan on the basis
645 of age. The provisions of this subdivision shall be applicable to plan
646 years beginning on or after January 1, 1988, except that for any
647 collectively bargained plan this subdivision shall be applicable on the
648 earlier of (A) January 1, 1990, or (B) the later of (i) the expiration date of
649 the collective bargaining agreement, or (ii) January 1, 1988.

650 (3) The provisions of this section concerning age shall not prohibit an
651 employer from requiring medical examinations for employees for the
652 purpose of determining such employees' physical qualification for
653 continued employment.

654 (4) Any employee who continues employment beyond the normal

655 retirement age in the applicable retirement or pension plan shall give
656 notice of intent to retire, in writing, to such employee's employer not
657 less than thirty days prior to the date of such retirement.

658 (d) (1) An employer shall provide written notice of the right to be free
659 from discrimination in relation to pregnancy, childbirth and related
660 conditions, including the right to a reasonable accommodation to the
661 known limitations related to pregnancy pursuant to subdivision (7) of
662 subsection (b) of this section to: (A) New employees at the
663 commencement of employment; (B) existing employees within one
664 hundred twenty days after the effective date of this section; and (C) any
665 employee who notifies the employer of her pregnancy within ten days
666 of such notification. An employer may comply with the provisions of
667 this section by displaying a poster in a conspicuous place, accessible to
668 employees, at the employer's place of business that contains the
669 information required by this section in both English and Spanish. The
670 Labor Commissioner may adopt regulations, in accordance with
671 chapter 54, to establish additional requirements concerning the means
672 by which employers shall provide such notice.

673 (2) The Commission on Human Rights and Opportunities shall
674 develop courses of instruction and conduct ongoing public education
675 efforts as necessary to inform employers, employees, employment
676 agencies and persons seeking employment about their rights and
677 responsibilities under this section.

678 (e) It shall not be a defense to a complaint of discrimination under
679 this section, filed in accordance with section 46a-82, that the conduct was
680 not severe or pervasive. Conduct constitutes an unlawful
681 discriminatory practice when the conduct subjects an individual to
682 inferior terms, conditions or privileges of employment because of the
683 individual's protected characteristic. The fact that such individual did
684 not make a complaint about the discrimination to an employer, licensing
685 agency, employment agency or labor organization shall not be
686 determinative of whether such employer, licensing agency,
687 employment agency or labor organization shall be liable. It shall be an

688 affirmative defense that the harassing conduct complained of does not
689 rise above the level of what a reasonable person would consider
690 discrimination.

691 (f) No settlement or agreement resolving a complaint of
692 discriminatory practice between an employer and a current or past
693 employee or job applicant shall: (1) Prohibit, prevent or otherwise
694 restrict the right of such current or past employee or job applicant from
695 obtaining future employment with the employer or any parent
696 company, subsidiary, division, affiliate or contractor of the employer, or
697 (2) include a prohibition on disparagement or disclosure by such
698 employee as a condition for employment, continued employment,
699 promotion, compensation or benefit or as a condition for resolving or
700 investigating a complaint of discrimination.

701 (g) No settlement or agreement between an employer and a current
702 or past employee shall restrict such employee from filing a complaint
703 with the Equal Employment Opportunity Commission, with the
704 Commission on Human Rights and Opportunities, or, in state or federal
705 court, testifying or otherwise participating in a state or federal agency
706 investigation related to a claim of discrimination or otherwise pursuing
707 such employee's rights under state or federal discrimination laws.

708 Sec. 11. Subsection (c) of section 10a-55c of the general statutes is
709 repealed and the following is substituted in lieu thereof (*Effective October*
710 *1, 2022*):

711 (c) For purposes of this section "sexual harassment" means with
712 respect to an individual enrolled at an institution of higher education,
713 any unwelcome sexual advances or requests for sexual favors or any
714 conduct of a sexual nature by an agent or employee of an institution of
715 higher education when (1) submission to such conduct is made either
716 explicitly or implicitly a term or condition of an individual's academic
717 success, (2) submission to or rejection of such conduct by an individual
718 is used as the basis for educational decisions affecting such individual,
719 or (3) such conduct has the purpose or effect of [substantially]
720 interfering with an individual's academic performance or creating an

721 intimidating or hostile educational environment.

722 Sec. 12. Subdivision (5) of subsection (a) of section 31-40y of the
723 general statutes is repealed and the following is substituted in lieu
724 thereof (*Effective October 1, 2022*):

725 (5) "Sexual harassment" means any unwelcome sexual advances,
726 requests for sexual favors or any other conduct of a sexual nature when
727 (A) submission to such conduct is made either explicitly or implicitly a
728 term or condition of an intern's internship; (B) submission to or rejection
729 of such conduct by an intern or an individual seeking an internship is
730 used as the basis for workplace decisions affecting such intern or
731 individual; or (C) such conduct has the purpose or effect of
732 [substantially] interfering with an intern's work performance or creating
733 an intimidating, hostile or offensive working environment.

734 Sec. 13. Section 46a-58 of the general statutes is repealed and the
735 following is substituted in lieu thereof (*Effective October 1, 2022*):

736 (a) It shall be a discriminatory practice in violation of this section for
737 any person to subject, or cause to be subjected, any other person to the
738 deprivation of any rights, privileges or immunities, secured or protected
739 by the Constitution or laws of this state or of the United States, on
740 account of religion, national origin, alienage, color, race, sex, gender
741 identity or expression, sexual orientation, blindness, mental disability,
742 physical disability, [or] status as a veteran or status as a victim of family
743 violence.

744 (b) Any person who intentionally desecrates any public property,
745 monument or structure, or any religious object, symbol or house of
746 religious worship, or any cemetery, or any private structure not owned
747 by such person, shall be in violation of subsection (a) of this section. For
748 the purposes of this subsection, "desecrate" means to mar, deface or
749 damage as a demonstration of irreverence or contempt.

750 (c) Any person who places a burning cross or a simulation thereof on
751 any public property, or on any private property without the written

752 consent of the owner, and with intent to intimidate or harass any other
753 person or group of persons, shall be in violation of subsection (a) of this
754 section.

755 (d) Any person who places a noose or a simulation thereof on any
756 public property, or on any private property without the written consent
757 of the owner, and with intent to intimidate or harass any other person
758 on account of religion, national origin, alienage, color, race, sex, gender
759 identity or expression, sexual orientation, blindness, mental disability,
760 physical disability, [or] status as a veteran or status as a victim of family
761 violence, shall be in violation of subsection (a) of this section.

762 (e) (1) Except as provided in subdivision (2) of this subsection, any
763 person who violates any provision of this section shall be guilty of a
764 class A misdemeanor and shall be fined not less than one thousand
765 dollars, except that if property is damaged as a consequence of such
766 violation in an amount in excess of one thousand dollars, such person
767 shall be guilty of a class D felony and shall be fined not less than one
768 thousand dollars.

769 (2) Any person who violates the provisions of this section by
770 intentionally desecrating a house of religious worship (A) shall be guilty
771 of a class D felony and shall be fined not less than one thousand dollars
772 if property is damaged as a consequence of such violation in an amount
773 up to and including ten thousand dollars, and (B) shall be guilty of a
774 class C felony and shall be fined not less than three thousand dollars if
775 the property damaged as a consequence of such violation is in an
776 amount in excess of ten thousand dollars.

777 (3) The minimum amount of any fine imposed by the provisions of
778 this section may not be remitted or reduced by the court unless the court
779 states on the record its reasons for remitting or reducing such fine.

780 (4) The court may order restitution for any victim of a violation of this
781 section pursuant to subsection (c) of section 53a-28.

782 Sec. 14. Subsection (a) of section 46a-59 of the general statutes is

783 repealed and the following is substituted in lieu thereof (*Effective October*
784 *1, 2022*):

785 (a) It shall be a discriminatory practice in violation of this section for
786 any association, board or other organization the principal purpose of
787 which is the furtherance of the professional or occupational interests of
788 its members, whose profession, trade or occupation requires a state
789 license, to refuse to accept a person as a member of such association,
790 board or organization because of his race, national origin, creed, sex,
791 gender identity or expression, color, [or] status as a veteran or status as
792 a victim of family violence.

793 Sec. 15. Subsection (a) of section 46a-64 of the general statutes is
794 repealed and the following is substituted in lieu thereof (*Effective October*
795 *1, 2022*):

796 (a) It shall be a discriminatory practice in violation of this section: (1)
797 To deny any person within the jurisdiction of this state full and equal
798 accommodations in any place of public accommodation, resort or
799 amusement because of race, creed, color, national origin, ancestry, sex,
800 gender identity or expression, marital status, age, lawful source of
801 income, intellectual disability, mental disability, physical disability,
802 including, but not limited to, blindness or deafness, [or] status as a
803 veteran or status as a victim of family violence, of the applicant, subject
804 only to the conditions and limitations established by law and applicable
805 alike to all persons; (2) to discriminate, segregate or separate on account
806 of race, creed, color, national origin, ancestry, sex, gender identity or
807 expression, marital status, age, lawful source of income, intellectual
808 disability, mental disability, learning disability, physical disability,
809 including, but not limited to, blindness or deafness, [or] status as a
810 veteran or status as a victim of family violence; (3) for a place of public
811 accommodation, resort or amusement to restrict or limit the right of a
812 mother to breast-feed her child; (4) for a place of public accommodation,
813 resort or amusement to fail or refuse to post a notice, in a conspicuous
814 place, that any blind, deaf or mobility impaired person, accompanied by
815 his guide dog wearing a harness or an orange-colored leash and collar,

816 may enter such premises or facilities; or (5) to deny any blind, deaf or
817 mobility impaired person or any person training a dog as a guide dog
818 for a blind person or a dog to assist a deaf or mobility impaired person,
819 accompanied by his guide dog or assistance dog, full and equal access
820 to any place of public accommodation, resort or amusement. Any blind,
821 deaf or mobility impaired person or any person training a dog as a guide
822 dog for a blind person or a dog to assist a deaf or mobility impaired
823 person may keep his guide dog or assistance dog with him at all times
824 in such place of public accommodation, resort or amusement at no extra
825 charge, provided the dog wears a harness or an orange-colored leash
826 and collar and is in the direct custody of such person. The blind, deaf or
827 mobility impaired person or person training a dog as a guide dog for a
828 blind person or a dog to assist a deaf or mobility impaired person shall
829 be liable for any damage done to the premises or facilities by his dog.
830 For purposes of this subdivision, "guide dog" or "assistance dog"
831 includes a dog being trained as a guide dog or assistance dog and
832 "person training a dog as a guide dog for a blind person or a dog to assist
833 a deaf or mobility impaired person" means a person who is employed
834 by and authorized to engage in designated training activities by a guide
835 dog organization or assistance dog organization that complies with the
836 criteria for membership in a professional association of guide dog or
837 assistance dog schools and who carries photographic identification
838 indicating such employment and authorization.

839 Sec. 16. Subdivision (1) of subsection (a) of section 46a-64c of the
840 general statutes is repealed and the following is substituted in lieu
841 thereof (*Effective October 1, 2022*)

842 (1) To refuse to sell or rent after the making of a bona fide offer, or to
843 refuse to negotiate for the sale or rental of, or otherwise make
844 unavailable or deny, a dwelling to any person because of race, creed,
845 color, national origin, ancestry, sex, gender identity or expression,
846 marital status, age, lawful source of income, familial status, [or] status
847 as a veteran or status as a victim of family violence.

848 Sec. 17. Subsection (a) of section 46a-66 of the general statutes is

849 repealed and the following is substituted in lieu thereof (*Effective October*
850 *1, 2022*):

851 (a) It shall be a discriminatory practice in violation of this section for
852 any creditor to discriminate on the basis of sex, gender identity or
853 expression, age, race, color, religious creed, national origin, ancestry,
854 marital status, intellectual disability, learning disability, blindness,
855 physical disability, [or] status as a veteran or status as a victim of
856 domestic violence against any person eighteen years of age or over in
857 any credit transaction.

858 Sec. 18. Subsection (a) of section 46a-70 of the general statutes is
859 repealed and the following is substituted in lieu thereof (*Effective October*
860 *1, 2022*):

861 (a) State officials and supervisory personnel shall recruit, appoint,
862 assign, train, evaluate and promote state personnel on the basis of merit
863 and qualifications, without regard for race, color, religious creed, sex,
864 gender identity or expression, marital status, age, national origin,
865 ancestry, status as a veteran, status as a victim of family violence,
866 intellectual disability, mental disability, learning disability or physical
867 disability, including, but not limited to, blindness, unless it is shown by
868 such state officials or supervisory personnel that such disability
869 prevents performance of the work involved.

870 Sec. 19. Subsection (a) of section 46a-71 of the general statutes is
871 repealed and the following is substituted in lieu thereof (*Effective October*
872 *1, 2022*):

873 (a) All services of every state agency shall be performed without
874 discrimination based upon race, color, religious creed, sex, gender
875 identity or expression, marital status, age, national origin, ancestry,
876 intellectual disability, mental disability, learning disability, physical
877 disability, including, but not limited to, blindness, [or] status as a
878 veteran or status as a victim of family violence.

879 Sec. 20. Subsection (b) of section 46a-72 of the general statutes is

880 repealed and the following is substituted in lieu thereof (*Effective October*
881 *1, 2022*):

882 (b) Any job request indicating an intention to exclude any person
883 because of race, color, religious creed, sex, gender identity or expression,
884 marital status, age, national origin, ancestry, status as a veteran, status
885 as a victim of family violence, intellectual disability, mental disability,
886 learning disability or physical disability, including, but not limited to,
887 blindness, shall be rejected, unless it is shown by such public or private
888 employers that such disability prevents performance of the work
889 involved.

890 Sec. 21. Subsection (a) of section 46a-73 of the general statutes is
891 repealed and the following is substituted in lieu thereof (*Effective October*
892 *1, 2022*):

893 (a) No state department, board or agency may grant, deny or revoke
894 the license or charter of any person on the grounds of race, color,
895 religious creed, sex, gender identity or expression, marital status, age,
896 national origin, ancestry, status as a veteran, status as a victim of family
897 violence, intellectual disability, mental disability, learning disability or
898 physical disability, including, but not limited to, blindness, unless it is
899 shown by such state department, board or agency that such disability
900 prevents performance of the work involved.

901 Sec. 22. Subsection (a) of section 46a-75 of the general statutes is
902 repealed and the following is substituted in lieu thereof (*Effective October*
903 *1, 2022*):

904 (a) All educational, counseling, and vocational guidance programs
905 and all apprenticeship and on-the-job training programs of state
906 agencies, or in which state agencies participate, shall be open to all
907 qualified persons, without regard to race, color, religious creed, sex,
908 gender identity or expression, marital status, age, national origin,
909 ancestry, intellectual disability, mental disability, learning disability,
910 physical disability, including, but not limited to, blindness, [or] status
911 as a veteran or status as a victim of family violence.

912 Sec. 23. Subsection (a) of section 46a-76 of the general statutes is
913 repealed and the following is substituted in lieu thereof (*Effective October*
914 *1, 2022*):

915 (a) Race, color, religious creed, sex, gender identity or expression,
916 marital status, age, national origin, ancestry, intellectual disability,
917 mental disability, learning disability, physical disability, including, but
918 not limited to, blindness, [or] status as a veteran or status as a victim of
919 family violence, shall not be considered as limiting factors in state-
920 administered programs involving the distribution of funds to qualify
921 applicants for benefits authorized by law.

922 Sec. 24. Subdivision (1) of subsection (a) of section 4a-60 of the 2022
923 supplement to the general statutes is repealed and the following is
924 substituted in lieu thereof (*Effective October 1, 2022*):

925 (1) The contractor agrees and warrants that in the performance of the
926 contract such contractor will not discriminate or permit discrimination
927 against any person or group of persons on the grounds of race, color,
928 religious creed, age, marital status, national origin, ancestry, sex, gender
929 identity or expression, status as a veteran, intellectual disability, mental
930 disability or physical disability, including, but not limited to, blindness,
931 unless it is shown by such contractor that such disability prevents
932 performance of the work involved, in any manner prohibited by the
933 laws of the United States or of the state of Connecticut; and the
934 contractor further agrees to take affirmative action to ensure that
935 applicants with job-related qualifications are employed and that
936 employees are treated when employed without regard to their race,
937 color, religious creed, age, marital status, national origin, ancestry, sex,
938 gender identity or expression, status as a veteran, status as a victim of
939 family violence, intellectual disability, mental disability or physical
940 disability, including, but not limited to, blindness, unless it is shown by
941 such contractor that such disability prevents performance of the work
942 involved;

943 Sec. 25. Subsection (c) of section 10a-55x of the 2022 supplement to
944 the general statutes is repealed and the following is substituted in lieu

945 thereof (*Effective October 1, 2022*):

946 (c) Each institution of higher education shall ensure that every
947 member of the campus mental health coalition is educated about the (1)
948 mental health services and programs offered at each campus by such
949 institution, (2) role and function of the campus mental health coalition
950 at such institution, and (3) protocols and techniques to respond to
951 student mental illness that have been developed with consideration
952 given to the students' race, cultural background, sexual orientation,
953 gender identity, religion, socio-economic status or status as a veteran,
954 status as a victim of family violence or service member of the armed
955 forces of the United States.

956 Sec. 26. (*Effective July 1, 2022*) The sum of one million four hundred
957 forty thousand dollars is appropriated to the Department of Social
958 Services from the General Fund, for the fiscal year ending June 30, 2023,
959 for domestic violence child and family advocates at domestic violence
960 agencies, as defined in section 52-146k of the general statutes.

961 Sec. 27. (*Effective July 1, 2022*) The sum of one million four hundred
962 forty thousand dollars appropriated in section 26 of this act to the
963 Department of Social Services, for the fiscal year ending June 30, 2023,
964 shall be made available for domestic violence child and family
965 advocates at domestic violence agencies, as defined in section 52-146k
966 of the general statutes, whose purpose shall be to provide trauma-
967 informed services to children and families experiencing domestic
968 violence. For purposes of this section, "trauma-informed services"
969 means services directed by a thorough understanding of the
970 neurological, biological, psychological and social effects of trauma and
971 violence on a person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section
Sec. 2	<i>October 1, 2022</i>	New section
Sec. 3	<i>October 1, 2022</i>	New section

Sec. 4	October 1, 2022	New section
Sec. 5	from passage	New section
Sec. 6	July 1, 2022	New section
Sec. 7	October 1, 2022	46a-51(10)
Sec. 8	October 1, 2022	46a-54
Sec. 9	October 1, 2022	46a-56(a)
Sec. 10	October 1, 2022	46a-60
Sec. 11	October 1, 2022	10a-55c(c)
Sec. 12	October 1, 2022	31-40y(a)(5)
Sec. 13	October 1, 2022	46a-58
Sec. 14	October 1, 2022	46a-59(a)
Sec. 15	October 1, 2022	46a-64(a)
Sec. 16	October 1, 2022	46a-64c(a)(1)
Sec. 17	October 1, 2022	46a-66(a)
Sec. 18	October 1, 2022	46a-70(a)
Sec. 19	October 1, 2022	46a-71(a)
Sec. 20	October 1, 2022	46a-72(b)
Sec. 21	October 1, 2022	46a-73(a)
Sec. 22	October 1, 2022	46a-75(a)
Sec. 23	October 1, 2022	46a-76(a)
Sec. 24	October 1, 2022	4a-60(a)(1)
Sec. 25	October 1, 2022	10a-55x(c)
Sec. 26	July 1, 2022	New section
Sec. 27	July 1, 2022	New section

Statement of Legislative Commissioners:

The provisions of Section 1(d) were redrafted for clarity; in Section 2(b), the phrase "or an equivalent identification number for a foreign user" was added for consistency with the provisions of Section 1 of the bill, and in Section 10(g), "Equal Opportunity Employment Commission" was changed to "Equal Employment Opportunity Commission" for accuracy.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Social Services, Dept.	GF - Cost	1,440,000	None
Consumer Protection, Dept.	GF - Cost	107,913	143,884
State Comptroller - Fringe Benefits ¹	GF - Cost	43,737	58,316
Department of Emergency Services and Public Protection	GF - Potential Cost	74,336	74,336
State Comptroller - Fringe Benefits ²	GF - Potential Cost	30,128	30,128
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes to laws affecting online harassment, domestic violence training, sexual harassment in the workplace, and anti-discrimination protections resulting in various costs and revenue gains to the state, described below.

Sections 1-4 creates a regulatory framework for online dating services³ and requires the Department of Consumer Protection (DCP) to

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

²The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.

³ Requires operators to gather a significant amount of confidential data, conduct identity checks, encrypt the data, and maintain confidentiality.

enforce these provisions resulting in a cost of \$151,650 in FY 23⁴ and \$202,200 in FY 24. To meet the requirements of the bill DCP will have to hire on special investigator and one staff attorney. There is anticipated to be a numerous complaints and non-compliance which will need to be investigated and fines assessed per violation. To the extent violations occur and fines are assessed there is a potential revenue gain to the state.

Section 5 establishes a working group to make recommendations on criminalizing child grooming resulting in no fiscal impact to the state.

Section 6 establishes a grant program to provide educational and training opportunities with the goal of preventing online abuse and results in a potential cost to the Department of Emergency Services and Public Protection (DESPP) of \$104,464 (costs include salary and fringe benefits) in FY 23 and FY 24. To the extent funding is appropriated to the grant program, DESPP will have to hire one Emergency Management Program Specialist to run the program. The new employee is responsible for fielding a request for proposals for eligible entities, reviewing all submissions to see if they meet the required criteria, and awarding grant funding.

Section 7 of the bill reduces the number of employees an employer must have to be subject to the antidiscrimination laws under the Commission on Human Rights and Opportunities (CHRO). It subjects employers to the antidiscrimination and posting requirements in current employment law, including sexual harassment. Existing law already applies the training requirements to employers with one or two employees. This is not anticipated to have a fiscal impact on state agencies or municipalities as they already meet this requirement.

Sections 8 and 9 of the bill expand the duties of CHRO by requiring all state agencies, within available appropriations, to provide a minimum of one hour of training on domestic violence and make resources available to victims. It requires CHRO, in conjunction with

⁴ FY 23 reflects 9 months of salary costs due to the October 1, 2022 effective date.

domestic violence victim advocates, to develop a link with certain domestic violence information on its website; and an online training method make them available to each state agency at no cost. It is anticipated that this would result in no cost to CHRO as the training would be developed by the victim advocates.

Section 10 of the bill prohibits an employer from taking certain actions against an employee due to their family violence status. This has no fiscal impact to CHRO as they already protect workers under various situations. Additionally, Sections 10 and 13-23 of the bill add status as a family violence victim to the current list of protected classes, and authorizes CHRO to investigate claims of discrimination against family violence victims. Currently, it is a discriminatory practice to deprive someone of rights protected by laws due to various classifications. Adding this protected class of persons to the purview of CHRO is expected to increase the number of complaints to CHRO's current caseload, but it is anticipated current staff can handle any increased caseload.

Sections 14 and 18-23 of the bill give CHRO authority to investigate claims of discrimination based on a person's status as a family violence victim under other laws currently under CHRO's purview.

Section 16 of the bill extends current housing discrimination protections to those with a designation of family violence victim. This has no fiscal impact to CHRO as they already work to protect persons under similar designations and it is expected the agency has the necessary staff to handle any increase in caseload. Similarly, Section 17 prohibits creditors from discriminating against anyone on the basis of the person's status as a family violence victim. This is also not expected to not have a fiscal impact.

Section 25 results in no fiscal impact to the constituent units as they have sufficient expertise and resources to ensure that campus methods for responding to student mental illness are aligned with the bill's requirements, and to educate campus mental health coalition members about the methods.

Sections 26-27 appropriate \$1,440,000 in FY 23 for domestic violence child and family advocates at domestic violence agencies for the purpose of providing trauma-informed services to children and families experiencing domestic violence. sHB 5037, the revised FY 23 budget bill, as favorably reported by the Appropriations Committee, appropriates \$1,440,000 to support the cost of 18 child and family advocates at domestic violence shelters across the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 5****AN ACT CONCERNING ONLINE DATING OPERATORS, ONLINE CHILD GROOMING AND HARASSMENT, DOMESTIC VIOLENCE TRAINING AND PROTECTIONS FOR VICTIMS OF FAMILY VIOLENCE AND DOMESTIC VIOLENCE.**

TABLE OF CONTENTS:

SUMMARY§§ 1-4 — ONLINE DATING SERVICES

Establishes verification requirements, including a comprehensive identity check, that online dating operators must complete before a user may create an online dating account and authorizes the DCP commissioner to penalize violators up to \$25,000 per violation

§ 5 — WORKING GROUP ON POTENTIALLY CRIMINALIZING CHILD GROOMING

Establishes a 10-member working group to develop recommendations for legislation to criminalize child grooming

§ 6 — ONLINE ABUSE PREVENTION GRANT PROGRAM

Creates a grant program, administered by DESPP, to prevent online abuse and provide educational and training opportunities to inform people about identifying, reporting, responding to, and avoiding online abuse

§ 7 — APPLICATION OF ANTIDISCRIMINATION LAWS TO EMPLOYERS WITH ONE OR TWO EMPLOYEES

Subjects employers with one or two employees to the antidiscrimination laws, including those that prohibit discriminatory employment practices or workplace sexual harassment

§§ 8 & 9 — DOMESTIC VIOLENCE TRAINING AND INFORMATION FOR EMPLOYEES

Requires state agencies, within available appropriations, to provide a one-hour minimum training and education on domestic violence and victim resources; requires employers with three or more employees to post similar information in an accessible location

§§ 10-12 — WORKPLACE SEXUAL HARASSMENT

Broadens the definition of “sexual harassment” to include conduct that interferes, not just substantially interferes, with a person’s work performance and that otherwise meets the definition; applies the workplace sexual harassment provisions to elected or appointed officials

§§ 10 & 13-23 — FAMILY VIOLENCE VICTIMS AS A PROTECTED CLASS UNDER ANTI-DISCRIMINATION LAWS

Prohibits discrimination on the basis of someone's status as a family violence victim in employment, public accommodations, housing, the granting of credit, and other laws over which the CHRO has jurisdiction; authorizes such a victim aggrieved by an alleged discriminatory practice to file discrimination complaints with CHRO

§ 10 — EMPLOYMENT DISCRIMINATION GENERALLY

Extends applicable provisions of the state's employment discrimination laws to elected and appointed officials; prohibits someone from asserting, as a defense to an employment discrimination complaint, that the conduct was not severe or pervasive; provides a reasonable person standard as an affirmative defense; and prohibits certain settlements or agreements between an employer and an employee that impose certain restrictions on the employee

§ 24 — AFFIRMATIVE ACTION IN PUBLIC CONTRACTS

Requires contractors awarded public projects to take affirmative action to ensure that applicants and employees are treated without regard to status as a family violence victim

§ 25 — CAMPUS MENTAL HEALTH COALITIONS

Requires that state higher education institutions' mental health coalition members be educated in protocols and techniques developed with consideration also given to a student's status as a family violence victim

§§ 26 & 27 — DSS APPROPRIATIONS

Appropriates \$1.44 million from the General Fund to the Department of Social Services (DSS) for domestic violence child and family advocates at domestic violence agencies

SUMMARY

This bill makes various unrelated changes in laws affecting online dating and child grooming, domestic violence training for certain employees, employment discrimination and workplace sexual harassment, and anti-discrimination protections for family violence victims.

Among other things, the bill:

1. establishes verification requirements for online dating operators and creates a (a) working group to make recommendations on criminalizing child grooming and (b) grant program to provide education and training on online abuse (§§ 1-6);
2. extends anti-discrimination statutes to cover employers with one or two employees (§ 7);
3. requires state agencies to provide domestic violence training and certain employers to post related information (§§ 8 & 9);

4. broadens the definition of sexual harassment and applies related workplace requirements to elected officials (§§ 10-12);
5. prohibits discriminatory practices based on someone's status as a family violence victim (§§ 13-25);
6. prohibits someone from asserting, as a defense to an employment discrimination claim, that the conduct was not severe or pervasive, and prohibits settlements from imposing certain restrictions on the employee (§ 10); and
7. appropriates funds to the Department of Social Services (DSS) for advocates at domestic violence agencies (§§ 26 & 27).

EFFECTIVE DATE: October 1, 2022, except that the (1) DESPP grant program (§ 6) and DSS appropriations (§§ 26 & 27) provisions are effective July 1, 2022, and (2) working group on criminalizing child grooming provision is effective upon passage (§ 5).

§§ 1-4 — ONLINE DATING SERVICES

Establishes verification requirements, including a comprehensive identity check, that online dating operators must complete before a user may create an online dating account and authorizes the DCP commissioner to penalize violators up to \$25,000 per violation

Online Dating Operators (§ 1)

The bill generally establishes standards for anyone who operates a software application designed to facilitate online dating (i.e., online dating operator). Under the bill, "online dating" is using software applications to initiate relationships with other individuals for romance, sex, or marriage.

Under the bill, starting on October 1, 2022, online dating operators must require users (i.e., anyone who uses their online dating services) to establish an online dating account to use the operator's online dating software application. (The bill does not establish an age limit for a user.)

Online Dating Accounts (§ 1)

To enable a user to establish an online dating account, the bill specifically requires online dating operators to:

1. create an electronic user file (see below) and encrypt all confidential information in the file;
2. verify the user's identity through a comprehensive identity check (see below) or through an alternative method for remote multi-sourced authentication, such as third-party and governmental databases that the Department of Consumer Protection (DCP); may approve; and
3. record the user's certification that the information he or she provided is accurate.

Under the bill, online dating accounts are nontransferable and must be unique to the user who establishes the account.

Electronic User File (§ 1)

Under the bill, an online dating operator's required electronic user files must include at least:

1. the user's legal name, date of birth, address, email address, and telephone number;
2. the entire or last four digits of the user's Social Security number or the equivalent for a foreign user (e.g., passport or tax identification numbers) (the bill does not define "foreign user");
3. any other information collected from the user that is used to verify the user's identity; and
4. the date and method of identity verification.

Comprehensive Identity Check (§ 2)

Starting October 1, 2022, an online dating operator must conduct a comprehensive identity check of an individual before allowing him or her to open an online dating account. The bill allows operators to contract with a third party to carry out the identity verification.

The comprehensive identity check must include at least an identity

search of the individual's name, date of birth, address, and the last four digits of the individual's Social Security number or an equivalent identification number for a foreign user.

Before establishing the online dating account, the operator must use identity authentication questions that require the individual seeking to open the account to provide information known only to him or her (e.g., previous addresses or credit transactions), unless DCP provides written approval of an alternate authentication method with equivalent or greater security and effectiveness.

Confidentiality and Record Retention (§§ 1 & 3)

Starting October 1, 2022, the bill generally requires online dating operators to develop their online dating services to maintain the security and confidentiality of participation and all information in an electronic user file. The bill creates an exception that requires these operators to disclose the information in response to a lawful subpoena, summons, warrant, or court order.

Online dating operators must (1) maintain electronic user files for two years after an online dating account is terminated and (2) destroy all copies of the file after the record retention period expires.

Investigations and Penalties for Violations (§ 4)

The bill authorizes DCP to penalize violators by (1) issuing fines up to \$25,000 per violation, (2) accepting an offer in compromise, or (3) taking other actions allowed under law or regulations. DCP may take these actions if the operator fails to collect, keep confidential, or disclose information as required.

The bill also allows the commissioner or her designee to:

1. conduct investigations and hold hearings on any issue related to the online operator provisions and
2. issue subpoenas, administer oaths, compel testimony, and order the production of books, records, and documents.

Under the bill, if anyone refuses to appear, testify, or produce any book, record, or document when ordered to, the commissioner or her designee may apply to Superior Court for an appropriate enforcement order.

Additionally, the bill authorizes the attorney general, at the request of the commissioner or his designee, to apply to Superior Court, in the name of the state, for an order to restrain and enjoin anyone from violating the bill's provisions on online operators.

§ 5 — WORKING GROUP ON POTENTIALLY CRIMINALIZING CHILD GROOMING

Establishes a 10-member working group to develop recommendations for legislation to criminalize child grooming

Purpose

The bill establishes a 10-member working group to examine and develop recommendations on potential legislation to criminalize child grooming. Under the bill, child grooming includes persuading, coercing, inducing, or enticing a minor to:

1. sexually exploit or traffic the minor,
2. create child pornography, or
3. engage in prostitution.

Composition

The working group includes the following members:

1. two individuals appointed one each by the Senate president and the House speaker,
2. two individuals appointed one each by the Senate and the House minority leaders,
3. four individuals appointed one each by the Judiciary Committee chairpersons and ranking members,
4. the chief public defender or her designee, and

5. the chief state's attorney or his or her designee.

The appointed members may be legislators.

Timeline

The appointing authorities must (1) make their appointments within 60 days after the bill's passage and (2) provide a copy of the appointment to the Judiciary Committee administrator within seven days after the appointment.

The chairperson, the Senate president's nominee, must schedule and hold the working group's first meeting within 90 days after the bill passes.

Reporting and Termination

The working group must (1) report its recommendations to the Judiciary Committee by December 31, 2022, and (2) terminate on the later of the date it submits the report or December 31, 2022.

§ 6 — ONLINE ABUSE PREVENTION GRANT PROGRAM

Creates a grant program, administered by DESPP, to prevent online abuse and provide educational and training opportunities to inform people about identifying, reporting, responding to, and avoiding online abuse

Administration and Purpose

The bill establishes a grant program to be administered by the Department of Emergency Services and Public Protection (DESPP), in consultation with the State-Wide Hate Crimes Advisory Council, to provide educational and training opportunities to (1) prevent online abuse and (2) inform people about identifying, reporting, responding to, and avoiding online abuse. Under the bill, "online abuse" means the following acts, when conducted using any interactive computer service:

1. speech or conduct motivated by hatred, prejudice, or bigotry towards a person or group based on the person's actual or perceived religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, or disability;
2. harassment, stalking, swatting, or doxing (i.e., publicly revealing

previously private personal information about someone, usually via the internet); or

3. an assault.

Requests for Proposals (RFPs) From Eligible Entities

Each fiscal year, within three months after receiving funds from the state, DESPP must issue a request for proposals from eligible entities. Under the bill, an “eligible entity” must be located in Connecticut and may be any of the following or any entity operating under them:

1. local or regional school districts,
2. historical societies,
3. tax-exempt entities registered with the Office of the Secretary of the State,
4. government agencies,
5. constituent units of the state higher education system, or
6. public libraries.

Each RFP response must specify:

1. the types of online abuse that the eligible entity proposes to address, which must conform to the program’s purpose;
2. the methods used to achieve the program’s goals;
3. the entity’s other specific goals;
4. the target audience of the training and information that the entity would provide;
5. whether the entity is replicating a program found to have a high likelihood of success as determined by a cost-benefit analysis in a peer reviewed academic journal; and

6. the amount of matching funds the entity will contribute, if any.

Grant Awards

The bill authorizes DESPP to award grants for any programming or service that prevents online abuse or furthers the other program goals, including training teachers or school professionals, archiving, public murals, curriculum development, and marketing.

It allows eligible entities to use awarded funds collectively, including regionally, through coordinated efforts and conferences that achieve the program's goals.

The bill limits the total grant amount that DESPP may award an eligible entity to a maximum of \$30,000 during any fiscal year.

§ 7 — APPLICATION OF ANTIDISCRIMINATION LAWS TO EMPLOYERS WITH ONE OR TWO EMPLOYEES

Subjects employers with one or two employees to the antidiscrimination laws, including those that prohibit discriminatory employment practices or workplace sexual harassment

Under the current human rights and opportunities laws, "employer" means the state and all its political subdivisions and any person or employer with at least three employees. The bill lowers the number of employees an employer must have to be subject to these laws to one or more instead of three or more.

In doing so, it subjects employers with one or two employees to the antidiscrimination laws under the Commission on Human Rights and Opportunities (CHRO) statutes, including those that prohibit (1) discriminatory employment practices (such as those described under § 10 below) and (2) workplace sexual harassment. These laws also impose certain duties on the employer, such as the duty to provide reasonable accommodation to an employee who is pregnant, unless doing so would be an undue hardship.

Under the bill, employers with one or two employees are no longer exempt from liability for employment discrimination based on any of the protected classes. The bill gives an employee claiming to be aggrieved by an employer's alleged discriminatory practice the right to

file a complaint with CHRO, as is the case under existing law for employees of employers with three or more employees.

Existing law requires employers with three or more employees to post certain notices and provide training and education on the illegality of workplace sexual harassment. The bill generally subjects employers with one or two employees to these requirements, but existing law already requires them to provide training and education to their supervisory employees. By law, an employer who fails to post the required notices, or provide the required training and education, must be fined up to \$750.

As under existing law for other size employers, under the bill, if an employee of an employer with one or two employees refuses or threatens to refuse to comply with the employment discrimination prohibitions, the employer may file a written complaint under oath asking CHRO for assistance by conciliation or other remedial action.

§§ 8 & 9 — DOMESTIC VIOLENCE TRAINING AND INFORMATION FOR EMPLOYEES

Requires state agencies, within available appropriations, to provide a one-hour minimum training and education on domestic violence and victim resources; requires employers with three or more employees to post similar information in an accessible location

State Agencies With One or More Employees (§§ 8 & 9)

The bill authorizes CHRO to require that all state agencies provide at least one hour of training and education on domestic violence and the resources available to victims. The training must be given to employees hired:

1. before January 1, 2023, by July 1, 2023, and
2. on or after January 1, 2023, within six months after their date of hire.

Under the bill, this training and education for state employees must be done within available appropriations using CHRO's training and education materials (see below). It must include information on:

1. domestic violence, abuser, and victim behaviors;
2. how domestic violence may impact the workplace; and
3. the resources available to victims.

The bill requires CHRO, in conjunction with domestic violence victim advocacy organizations, to develop:

1. a link with information on domestic violence and available resources for victims and include it on the commission's website and
2. an online training and education video or other interactive method of training and education that meets the requirements above and make them available to each state agency at no cost.

Employers With Three or More Employees (§ 8)

The bill also empowers CHRO to require employers with three or more employees to post, in a prominent and accessible location, information on domestic violence and the resources available to such victims in Connecticut.

§§ 10-12 — WORKPLACE SEXUAL HARASSMENT

Broadens the definition of "sexual harassment" to include conduct that interferes, not just substantially interferes, with a person's work performance and that otherwise meets the definition; applies the workplace sexual harassment provisions to elected or appointed officials

Under existing law, sexual harassment in the employment context is any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature in certain circumstances.

The bill broadens the definition under one of these circumstances. It does so by eliminating the current condition that conduct must substantially interfere with a person's work performance. Instead, it classifies as sexual harassment conduct that interferes with work performance and otherwise meets the definition of sexual harassment.

This change applies to laws that prohibit (1) sexual harassment as a

form of employment discrimination under the CHRO statutes, (2) higher education institution employees or agents from sexually harassing students, and (3) employers or agents from sexually harassing interns. (For higher education students, the conduct must interfere with academic performance, not work performance.)

As under existing law, employment sexual harassment also includes unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature when:

1. submission is explicitly or implicitly a term or condition of employment;
2. submission or rejection is the basis for employment decisions affecting the person; or
3. the conduct creates an intimidating, hostile, or offensive working environment.

Similar provisions apply for higher education students and interns (for students, the inquiry focuses on terms affecting their academic success or the basis for education decisions, rather than employment).

The bill also extends to elected or appointed officials the prohibition of sexual harassment as a form of employment discrimination under the CHRO statutes. This applies to these officials of a municipality, board, commission, counsel, or other governmental body.

§§ 10 & 13-23 — FAMILY VIOLENCE VICTIMS AS A PROTECTED CLASS UNDER ANTI-DISCRIMINATION LAWS

Prohibits discrimination on the basis of someone's status as a family violence victim in employment, public accommodations, housing, the granting of credit, and other laws over which the CHRO has jurisdiction; authorizes such a victim aggrieved by an alleged discriminatory practice to file discrimination complaints with CHRO

The bill prohibits various forms of discrimination based on someone's status as a family violence victim, such as in employment, public accommodations, housing sales or rentals, granting credit, and several other areas. In several cases, it classifies discrimination on this basis as a "discriminatory practice" under the CHRO laws. By doing so,

the act allows individuals aggrieved by these violations, or CHRO itself, to file a complaint with CHRO alleging discrimination.

(The bill does not define “family violence” under the anti-discrimination laws, except for under employment discrimination (§ 10)).

General Anti-Discriminatory Provision and Deprivation of Rights (§ 13)

Under existing law, it is a discriminatory practice to deprive someone of any rights, privileges, or immunities secured or protected by Connecticut or federal laws or constitutions, or cause such a deprivation, because of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental or physical disability, or status as a veteran. The bill adds status as a family violence victim to this list.

Under existing law, it is a crime to place a noose or simulation of one on public property, or on private property without the written consent of the owner, and with the intent to harass someone because of any protected class listed above. The bill adds “family violence victim” to the list of protected classes.

By law, violation of these provisions is generally a class A misdemeanor but if the violation results in property damage above \$1,000, it is a class D felony. In either case, there is a minimum \$1,000 fine unless the court states on the record its reasons for reducing it. A class A misdemeanor is punishable by up to 364 days in prison; a class D felony is punishable by up to five years in prison.

Employment Discrimination (§ 10)

For the bill’s discriminatory employment practices provisions, “family violence” is an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. Verbal abuse or argument is not family violence unless there is present danger

and the likelihood that physical violence will occur.

The bill prohibits an employer or employer's agent, unless there is a bona fide occupational qualification or need, from refusing to hire or employ someone; barring or discharging someone from employment; or discriminating against someone in pay or in employment terms, conditions, or privileges because the person is a family violence victim. This prohibition applies to all employers, public or private, and all employees except those employed by their parents, spouse, or children.

The bill also prohibits the following kinds of employment discrimination based on family violence victim status:

1. employers refusing to provide a reasonable accommodation to an employee whom the employer knows is a victim of family violence, unless the absence would cause an undue hardship (see below);
2. employment agencies failing or refusing to classify properly or refer for employment or otherwise discriminating against someone except in the case of a bona fide occupational qualification or need;
3. labor organizations excluding someone from full membership rights, expelling a member, or discriminating in any way against a member, employer, or employee, unless the action is due to a bona fide occupational qualification;
4. employers, employment agencies, labor organizations, or anyone else taking adverse action against someone because he or she opposed a discriminatory employment practice, brought a complaint, or testified or assisted someone else in a complaint proceeding;
5. any person aiding, abetting, inciting, compelling, or coercing someone to commit a discriminatory employment practice or attempting to do so; and

6. employers, employment agencies, labor organizations, or anyone else advertising employment opportunities in a way that restricts employment and thus discriminates, except for a bona fide occupational qualification or need.

Reasonable Accommodation. Under the bill, it is a discriminatory practice for an employer to refuse to provide a reasonable accommodation to an employee whom the employer knows to be a family violence victim, unless it would cause the employer an undue hardship. Under existing law, examples of reasonable accommodations are more frequent or longer breaks, job restructuring, modified work schedules, or temporary transfers to less strenuous or hazardous work. Undue hardship for an employer is an action requiring significant difficulty or expense, when considered in light of certain factors (e.g., the accommodation's nature and cost and the employer's overall financial resources).

Under the bill, an employee who is a family violence victim may seek a reasonable accommodation to do any of the following related to the violence:

1. seek attention for the employee's or a child's injuries, as long the employee is not the perpetrator against the child;
2. obtain services from a family violence shelter, program, or rape crisis center;
3. obtain psychological counseling, including for a child as long as the employee is not the perpetrator against the child;
4. participate in safety planning and other actions to increase safety from future incidents, including temporary or permanent relocation; or
5. obtain legal services, assist in the offense's prosecution, or otherwise participate in related legal proceedings.

Under the bill, the employer may require the employee to charge this

time off against any available leave with pay ordinarily granted, unless a collective bargaining agreement or existing employee handbook or policy provides otherwise. If the absence cannot be classified in this way, it may be treated as leave without pay.

The bill requires an employee who is absent from work under these circumstances to provide a certification to the employer, upon request, within a reasonable time after the absence. The certification must be one of the following:

1. a police report indicating that the employee or the employee's child was a family violence victim,
2. a court order protecting or separating the employee or employee's child from the perpetrator,
3. other evidence from the court or prosecutor that the employee appeared in court, or
4. documentation from a medical professional or a domestic violence counselor that the employee or child was undergoing counseling or treatment for physical or mental injuries or abuse resulting in victimization from family violence.

Under the bill, if an employee has a physical or mental disability resulting from a family violence incident, the employee must be treated the same as employees with other disabilities under existing law prohibiting disability-based employment discrimination.

The bill also requires employers, to the extent allowed by law, to maintain the confidentiality of any information regarding an employee's status as a family violence victim.

Public Accommodations (§ 15)

The bill prohibits anyone from denying someone, based on his or her status as a family violence victim, full and equal accommodations in any public establishment (i.e., one that caters to or offers its services, facilities, or goods to the general public), including any commercial

property or building lot on which a commercial building will be built or offered for sale or rent, subject to lawful conditions and limitations that apply alike to everyone. It further prohibits discriminating, segregating, or separating people based on their family violence victim status. Violations are punishable as a class D misdemeanor, subject to a fine of up to \$250, up to 30 days' imprisonment, or both.

Housing (§ 16)

The bill prohibits anyone from refusing to sell or rent after a person makes a bona fide offer; or refusing to negotiate for the sale or rental of a dwelling; or otherwise denying or making a dwelling unavailable to someone based on their status as a family violence victim.

A violation is a class D misdemeanor, punishable by up to 30 days in prison, a fine of up to \$250, or both.

This prohibition does not apply to either of the following if the owner maintains his or her residence there: (1) renting a room or rooms in a single-family home or (2) a unit in a two-family home.

Credit (§ 17)

The bill prohibits a creditor from discriminating against an adult in a credit transaction based on the person's status as a family violence victim.

Other Areas Subject to CHRO's Jurisdiction (§§ 14 & 18-23)

The bill authorizes CHRO to investigate claims of discrimination based on a person's status as a family violence victim under other laws over which CHRO has jurisdiction. The bill:

1. subjects any professional or trade association, board, or other similar organization whose profession, trade, or occupation requires a state license, to a fine of \$100 to \$500 for denying someone membership because of his or her status as a family violence victim (§ 14);

2. requires state officials and supervisory personnel to recruit, appoint, assign, train, evaluate, and promote state personnel on the basis of merit and qualifications, without regard to their status as a family violence victim (§ 18);
3. requires state agency services to be performed without discrimination based on a person's status as a family violence victim (§ 19);
4. requires any state agency that provides employment referrals or placement services to public or private employers to reject any job request that indicates an intention to exclude anyone based on his or her status as a family violence victim (§ 20);
5. prohibits state departments, boards, or agencies from granting, denying, or revoking a person's license or charter on the grounds that he or she is a family violence victim (§ 21);
6. requires all educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which they participate, to be open to all qualified people, without regard to family violence victim status (§ 22); and
7. prohibits a person's status as a family violence victim from being considered as a limiting factor in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law; and prohibits the state from giving financial assistance to public agencies, private institutions, or other organizations which discriminate on this basis (§ 23).

§ 10 — EMPLOYMENT DISCRIMINATION GENERALLY

Extends applicable provisions of the state's employment discrimination laws to elected and appointed officials; prohibits someone from asserting, as a defense to an employment discrimination complaint, that the conduct was not severe or pervasive; provides a reasonable person standard as an affirmative defense; and prohibits certain settlements or agreements between an employer and an employee that impose certain restrictions on the employee

Extension to Election or Appointed Officials (§ 10(a))

The bill makes the elected or appointed officials of a municipality, board, commission, counsel, or other governmental body “employees” covered by the state’s employment discrimination laws. Thus, it extends to them the laws on, among other things, sexual harassment (see above) and required accommodations for pregnant employees.

General Considerations (§ 10(e))

The bill prohibits someone from asserting, as a defense to an employment discrimination complaint, that the conduct was not severe or pervasive. The bill specifies that it is an unlawful discriminatory practice to subject someone to inferior employment terms, conditions, or privileges because of the person’s protected characteristic.

Under the bill, a person’s failure to make a discrimination complaint about the discrimination is not determinative of the liability of the applicable entity (i.e., the employer, licensing or employment agency, or labor organization).

The bill also provides for an affirmative defense that the harassing conduct complained about does not rise above the level of what a reasonable person would consider discrimination. By law, a party has the burden of establishing an affirmative defense by a preponderance of the evidence.

Impermissible Settlement or Agreement Terms (§ 10(f), (g))

The bill prohibits settlements or agreements resolving discrimination complaints between employers and current or past employees or job applicants from:

1. restricting the employee’s or applicant’s right to later work for the employer or employer’s parent company, subsidiary, division, affiliate, or contractor; or
2. including a non-disparagement or non-disclosure provision for the employee as a condition for employment or continued employment, promotion, compensation, or benefit or as a condition for resolving or investigating a discrimination

complaint.

The bill also prohibits settlements or agreements between employers and current or past employees from restricting the employee from (1) filing a complaint with the federal Equal Employment Opportunity Commission, CHRO, or in state or federal court or (2) testifying or otherwise participating in a state or federal agency discrimination-related claim or otherwise pursuing his or her rights under state or federal discrimination laws.

§ 24 — AFFIRMATIVE ACTION IN PUBLIC CONTRACTS

Requires contractors awarded public projects to take affirmative action to ensure that applicants and employees are treated without regard to status as a family violence victim

The bill generally requires state agency, municipal public works, and quasi-public agency project contracts to require the contractors to agree to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated without regard to their status as a family violence victim.

§ 25 — CAMPUS MENTAL HEALTH COALITIONS

Requires that state higher education institutions' mental health coalition members be educated in protocols and techniques developed with consideration also given to a student's status as a family violence victim

By law, each higher education institution in Connecticut, excluding Charter Oak State College or online-only institutions, must establish a mental health coalition with representatives from each of its campuses to assess the institution's mental health services and programs. Under the law, each institution's president must appoint individuals to the coalition from each campus that reflect the institution's student body demographics.

Existing law requires these institutions to ensure that coalition members are educated on, among other things, the protocols and techniques to respond to student mental illness that have been developed with consideration given to the students' race, cultural background, sexual orientation, gender identity, religion, socio-economic status, or status as a veteran or service member of the U.S.

armed forces. Under the bill, the protocols and techniques must be developed with consideration also given to the students' status as a family violence victim.

§§ 26 & 27 — DSS APPROPRIATIONS

Appropriates \$1.44 million from the General Fund to the Department of Social Services (DSS) for domestic violence child and family advocates at domestic violence agencies

For FY 23, the bill appropriates \$1,440,000 from the General Fund to DSS for domestic violence child and family advocates at domestic violence agencies that provide trauma-informed services to children and families experiencing domestic violence.

Under the bill, a “domestic violence agency” is any office, shelter, host home, or agency helping domestic violence victims through crisis intervention, emergency shelter referral, and medical and legal advocacy, that also meets DSS’s service provision criteria.

“Trauma-informed services” are services directed by a thorough understanding of the neurological, biological, psychological, and social effects of trauma and violence on someone.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 3 (03/31/2022)