

Committee Bill No. 5

February Session, 2022

LCO No. 3470



Referred to Committee on JUDICIARY

Introduced by: (JUD)

## 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.
- (2) "Online dating operator" means a person who operates a softwareapplication 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 utilize an online dating software application, the online dating operator
- shall require the user to establish an online dating account. In order to

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- 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
- 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
- online dating operator by user is accurate.
- 36 (c) Each online dating account shall be (1) nontransferable, and (2)
- 37 unique to the user who establishes the account.

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- (d) Online dating operators shall maintain electronic user files for two
   years after the termination of an online dating account, upon which the
   operator shall destroy all copies of the electronic user file.
- Sec. 2. (NEW) (*Effective October 1, 2022*) (a) On and after October 1, 2022, prior to an individual being allowed to open an online dating account, an online dating operator shall conduct a comprehensive identity check. An online dating operator may contract with a third-party for identity verification of individuals seeking to open an online dating account.

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- (b) The comprehensive identity check shall minimally include an identity search of the individual's name, date of birth, address and last four digits of the individual's Social Security number. Prior to establishing the online dating account, an online dating operator shall utilize identity authentication questions that require an individual who seeks to use the online dating service to provide information known only to the individual, such as previous addresses or credit transactions, unless an alternate method of authentication of equal or greater security and effectiveness is approved, in writing, by the Department of Consumer Protection.
- Sec. 3. (NEW) (*Effective October 1, 2022*) On and after October 1, 2022, online dating operators shall develop their online dating services to maintain the security and confidentiality of participation and all information in an electronic user file, except such information shall be disclosed in response to a lawful subpoena, summons, warrant or court order.
- Sec. 4. (NEW) (*Effective October 1, 2022*) (a) The Department of Consumer Protection may issue fines of not more than twenty-five thousand dollars per violation, accept an offer in compromise, or take other actions permitted by the general statutes or the regulations of Connecticut state agencies if an online dating operator fails under this act to collect, keep confidential or disclose information.
  - (b) The Commissioner of Consumer Protection, or the commissioner's

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

- (c) The Attorney General, at the request of the commissioner or the commissioner's designee, may apply in the name of the state to the Superior Court for an order temporarily or permanently restraining and enjoining any person from violating any provision of this section and sections 1 to 3, inclusive, of this act.
- Sec. 5. (NEW) (Effective October 1, 2022) (a) A person is guilty of child grooming when such person uses an act of persuasion, coercion, inducement or enticement with intent to later (1) cause a minor to engage in sexual activity for which the person can be charged with a criminal offense, (2) use the minor's visual depiction in a manner that would be a violation of section 53a-196a or 53a-196b of the general statutes, or (3) cause a minor to engage in activity for which the person can be charged with a criminal offense under section 53a-83b or 53a-86 of the general statutes.
- (b) For purposes of subsection (a) of this section, "act of persuasion, coercion, inducement or enticement" includes, but is not limited to, an act of flattery or mentoring of a minor, gift giving to a minor or providing assistance to or befriending of a minor or the minor's family, regardless if such act occurs on a one-time basis or multiple times over an extended period of time.
- (c) Nothing in this section shall preclude prosecution of a person under any other provision of the general statutes.
- (d) Child grooming is a crime of the same grade and degree as the

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- most serious chargeable offense for which such act was intended to cause or result in under subdivision (1), (2) or (3) of subsection (a) of this section, except if an act of child grooming was committed with intent to later commit a class A felony, such act of child grooming is a class B felony.
- Sec. 6. (NEW) (Effective July 1, 2022) (a) As used in this section:
- (1) "Eligible entities" means any of the following located in this state:
  (A) A local or regional school district, (B) a historical society, (C) a taxexempt entity registered with the Office of the Secretary of the State, (D)
  a government agency, (E) a constituent unit of the state system of higher
  education, (F) a public library, or (G) any other entity operating under
  another entity described in this subdivision;
- 114 (2) "Hate speech" means speech, in its broadest context, that 115 discriminates in a derogatory manner on the basis of religion, national 116 origin, alienage, color, race, sex, gender identity or expression, sexual 117 orientation or disability;
- 118 (3) "Hate crime" means a violation of section 46a-58, 53-37, 53-37a, 53a-181b, 53a-181j, 53a-181k or 53a-181*l* of the general statutes; and

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- (4) "Online abuse" means the following acts, when conducted using any interactive computer service: (A) Harassment, (B) hate speech, (C) a hate crime, (D) cyberstalking, or (E) an assault.
- (b) There is established a grant program to provide educational and training opportunities with the goal of preventing online abuse and informing individuals about identifying, reporting, responding to and avoiding online abuse. The grant program shall be administered by the Office of Chief State's Attorney, with the consultation from the State-Wide Hate Crimes Advisory Council, established under section 51-279f of the general statutes.
  - (c) Not later than three months after receiving funds from the state for any fiscal year, the administrator shall issue a request for proposals from eligible entities. Each response to the request for proposals shall

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- specify the types of online abuse that the entity propose to address in
- accordance with the purposes of the program under subsection (b) of
- this section, the methods used to achieve the goal of the program, the
- target audience of training and information, and other specific goals.
- 137 The Office of Chief State's Attorney may award grants for any
- programming or service that prevents online abuse or furthers the other
- goals of the program under subsection (b) of this section, including
- 140 training teachers or professionals within schools, archiving, public
- 141 murals, curriculum development and marketing. Recipients may use
- 142 the funds awarded under this subsection collectively, including
- regionally through coordination and conferences.
- (d) The Office of Chief State's Attorney may only award a grant to an
- eligible entity in an amount not to exceed thirty thousand dollars during
- any fiscal year. In awarding grants, said office shall give preference to
- applicants (1) replicating a program found to have a high likelihood of
- 148 success, as determined by cost-benefit analysis appearing in a peer
- reviewed academic journal; or (2) that will match funding.
- Sec. 7. Subdivision (10) of section 46a-51 of the 2022 supplement to
- the general statutes is repealed and the following is substituted in lieu
- thereof (*Effective October 1, 2022*):
- 153 (10) "Employer" includes the state and all political subdivisions
- thereof and means any person or employer with [three] one or more
- persons in such person's or employer's employ;
- Sec. 8. Section 46a-54 of the 2022 supplement to the general statutes
- is repealed and the following is substituted in lieu thereof (Effective
- 158 October 1, 2022):
- The commission shall have the following powers and duties:
- 160 (1) To establish and maintain such offices as the commission may 161 deem necessary;
- 162 (2) To organize the commission into a division of affirmative action 163 monitoring and contract compliance, a division of discriminatory

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- practice complaints and such other divisions, bureaus or units as may be necessary for the efficient conduct of business of the commission;
- 166 (3) To employ legal staff and commission legal counsel as necessary 167 to perform the duties and responsibilities under section 46a-55. One 168 commission legal counsel shall serve as supervising attorney. Each 169 commission legal counsel shall be admitted to practice law in this state;
- 170 (4) To appoint such investigators and other employees and agents as 171 it deems necessary, fix their compensation within the limitations 172 provided by law and prescribe their duties;
- 173 (5) To adopt, publish, amend and rescind regulations consistent with 174 and to effectuate the provisions of this chapter;
- 175 (6) To establish rules of practice to govern, expedite and effectuate 176 the procedures set forth in this chapter;
- 177 (7) To recommend policies and make recommendations to agencies 178 and officers of the state and local subdivisions of government to 179 effectuate the policies of this chapter;
- 180 (8) To receive, initiate as provided in section 46a-82, investigate and mediate discriminatory practice complaints;
- (9) By itself or with or by hearing officers or human rights referees, to hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath and require the production for examination of any books and papers relating to any matter under investigation or in question;
- 187 (10) To make rules as to the procedure for the issuance of subpoenas 188 by individual commissioners, hearing officers and human rights 189 referees;
- 190 (11) To require written answers to interrogatories under oath relating 191 to any complaint under investigation pursuant to this chapter alleging 192 any discriminatory practice as defined in subdivision (8) of section 46a-

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51, and to adopt regulations, in accordance with the provisions of chapter 54, for the procedure for the issuance of interrogatories and compliance with interrogatory requests;

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- (12) To utilize such voluntary and uncompensated services of private individuals, agencies and organizations as may from time to time be offered and needed and with the cooperation of such agencies, (A) to study the problems of discrimination in all or specific fields of human relationships, and (B) to foster through education and community effort or otherwise good will among the groups and elements of the population of the state;
- (13) To require the posting by an employer, employment agency or labor organization of such notices regarding statutory provisions as the commission shall provide;
  - (14) To require the posting, by any respondent or other person subject to the requirements of section 46a-64, <u>as amended by this act</u>, 46a-64c, <u>as amended by this act</u>, 46a-81d or 46a-81e, of such notices of statutory provisions as it deems desirable;
  - (15) To require an employer having three or more employees to (A) post in a prominent and accessible location information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment, (B) provide, not later than three months after the employee's start date with the employer, a copy of the information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment to each employee by electronic mail with a subject line that includes the words "Sexual Harassment Policy" or words of similar import, if (i) the employer has provided an electronic mail account to the employee, or (ii) the employee has provided the employer with an electronic mail address, provided if an employer has not provided an electronic mail account to the employee, the employer shall post the information concerning the illegality of sexual harassment and remedies available to victims of sexual harassment on the employer's Internet web site, if the employer maintains such an Internet web site. An employer may comply with the requirements of this

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subparagraph, by providing an employee with the link to the commission's Internet web site concerning the illegality of sexual harassment and the remedies available to victims of sexual harassment by electronic mail, text message or in writing; and (C) provide two hours of training and education to employees within one year of October 1, 2019, provided any employer who has provided such training and education to any such employees after October 1, 2018, shall not be required to provide such training and education a second time. An employer having (i) three or more employees, shall provide such training and education to an employee hired on or after October 1, 2019, not later than six months after the date of his or her hire, provided the commission has developed and made available such training and education materials in accordance with the provisions of subdivision (8) of subsection (a) of section 46a-56, as amended by this act; or (ii) less than three employees shall provide such training and education to all supervisory employees within one year of October 1, 2019, and to all new supervisory employees within six months of their assumption of a supervisory position, provided any employer who has provided such training and education to any such supervisory employees after October 1, 2018, shall not be required to provide such training and education a second time. Any supervisory employee hired on or after October 1, 2019, by an employer having less than three employees, shall receive such training and education not later than six months after the date of his or her hire, provided the commission has developed and made available such training and education materials in accordance with the provisions of subdivision (8) of subsection (a) of section 46a-56, as amended by this act. Such training and education shall include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment. If an employee has received in-person training provided by the commission or has taken the no cost online training provided by the commission on its Internet web site in accordance with the provisions of subdivision (8) of subsection (a) of section 46a-56, as amended by this act, while employed by a different employer within the two years preceding the date of hire, an employer may consider such

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prior training to satisfy the training requirements of this section. An employer who is required to provide training under this subdivision shall provide periodic supplemental training that updates all supervisory and nonsupervisory employees on the content of such training and education not less than every ten years. As used in this subdivision, "sexual harassment" has the same meaning as provided in subdivision (8) of subsection (b) of section 46a-60, as amended by this act, and "employer" includes the General Assembly and "employee" means any individual employed by an employer, including an individual employed by such individual's parent, spouse or child;

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(16) To require each state agency that employs one or more employees to (A) provide a minimum of three hours of diversity training and education (i) to all supervisory and nonsupervisory employees, not later than July 1, 2002, with priority for such training to supervisory employees, and (ii) to all newly hired supervisory and nonsupervisory employees, not later than six months after their assumption of a position with a state agency, with priority for such training to supervisory employees. Such training and education shall include information concerning the federal and state statutory provisions concerning discrimination and hate crimes directed at protected classes and remedies available to victims of discrimination and hate crimes, standards for working with and serving persons from diverse populations and strategies for addressing differences that may arise from diverse work environments; and (B) submit an annual report to the Commission on Human Rights and Opportunities concerning the status of the diversity training and education required under subparagraph (A) of this subdivision. The information in such annual reports shall be reviewed by the commission for the purpose of submitting an annual summary report to the General Assembly. Notwithstanding the provisions of this section, if a state agency has provided such diversity training and education to any of its employees prior to October 1, 1999, such state agency shall not be required to provide such training and education a second time to such employees. The requirements of this subdivision shall be accomplished within available appropriations. As used in this subdivision, "employee"

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- includes any part-time employee who works more than twenty hours per week;
- (17) To require each agency to submit information demonstrating its compliance with subdivision (16) of this section as part of its affirmative action plan and to receive and investigate complaints concerning the failure of a state agency to comply with the requirements of subdivision (16) of this section; [and]
- (18) To enter into contracts for and accept grants of private or federal funds and to accept gifts, donations or bequests, including donations of service by attorneys; [.]
- 306 (19) To require each state agency that employs one or more employees to provide a minimum of one hour of training and education 307 308 related to domestic violence and the resources available to victims of 309 domestic violence (A) to all employees hired prior to January 1, 2023, not later than July 1, 2023, and (B) to all employees hired on or after 310 311 January 1, 2023, not later than six months after their assumption of a 312 position with a state agency. Such training and education shall include information concerning (i) domestic violence, abuser and victim 313 314 behaviors; (ii) how domestic violence may impact the workplace; and 315 (iii) the resources available to victims of domestic violence. The 316 requirements of this subdivision shall be accomplished within available 317 appropriations using the training and education materials made 318 available by the commission in accordance with the provisions of 319 subdivision (10) of subsection (a) of section 46a-56, as amended by this 320 act; and
  - (20) To require an employer having three or more employees to post in a prominent and accessible location information concerning domestic violence and the resources available to victims of domestic violence in Connecticut.

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

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328 (a) The commission shall:

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- 329 (1) Investigate the possibilities of affording equal opportunity of 330 profitable employment to all persons, with particular reference to job 331 training and placement;
- 332 (2) Compile facts concerning discrimination in employment, 333 violations of civil liberties and other related matters;
- 334 (3) Investigate and proceed in all cases of discriminatory practices as 335 provided in this chapter and noncompliance with the provisions of 336 section 4a-60, as amended by this act, or 4a-60a or sections 46a-68c to 337 46a-68f, inclusive;
- 338 (4) From time to time, but not less than once a year, report to the 339 Governor as provided in section 4-60, making recommendations for the 340 removal of such injustices as it may find to exist and such other 341 recommendations as it deems advisable and describing the 342 investigations, proceedings and hearings it has conducted and their 343 outcome, the decisions it has rendered and the other work it has 344 performed;
- (5) Monitor state contracts to determine whether they are in 346 compliance with sections 4a-60, as amended by this act, and 4a-60a, and 347 those provisions of the general statutes which prohibit discrimination;
- 348 (6) Compile data concerning state contracts with female and minority 349 business enterprises and submit a report annually to the General 350 Assembly concerning the employment of such business enterprises as 351 contractors and subcontractors;
- 352 (7) Develop and include on the commission's Internet web site a link 353 concerning the illegality of sexual harassment, as defined in section 46a-354 60, as amended by this act, and the remedies available to victims of 355 sexual harassment; [and]
- 356 (8) Develop and make available at no cost to employers an online 357 training and education video or other interactive method of training and

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358 education that fulfills the requirements prescribed in subdivision (15) of 359 section 46a-54, [.] as amended by this act; 360 (9) Develop, in conjunction with the Connecticut Coalition Against 361 Domestic Violence, and include on the commission's Internet web site a link concerning domestic violence and the resources available to victims 362 363 of domestic violence; and 364 (10) Develop, in conjunction with the Connecticut Coalition Against 365 Domestic Violence, and make available at no cost to each state agency 366 an online training and education video or other interactive method of 367 training and education that fulfills the requirements prescribed in 368 subdivision (19) of section 46a-54, as amended by this act. 369 Sec. 10. Section 46a-60 of the 2022 supplement to the general statutes 370 is repealed and the following is substituted in lieu thereof (Effective 371 October 1, 2022): 372 (a) As used in this section: 373 (1) "Employee" includes any elected or appointed official of a municipality, board, commission, counsel or other governmental body; 374 375 (2) "Family violence" has the same meaning as provided in section 46b-38a; 376 377 [(1)] (3) "Pregnancy" means pregnancy, childbirth or a related 378 condition, including, but not limited to, lactation; 379 [(2)] (4) "Reasonable accommodation" means, but is not limited to, being permitted to sit while working, more frequent or longer breaks, 380 381 periodic rest, assistance with manual labor, job restructuring, light duty 382 assignments, modified work schedules, temporary transfers to less 383 strenuous or hazardous work, time off to recover from childbirth or 384 break time and appropriate facilities for expressing breast milk; and

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[(3)] (5) "Undue hardship" means an action requiring significant

difficulty or expense when considered in light of factors such as (A) the

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nature and cost of the accommodation; (B) the overall financial resources of the employer; (C) the overall size of the business of the employer with respect to the number of employees, and the number, type and location of its facilities; and (D) the effect on expenses and resources or the impact otherwise of such accommodation upon the operation of the employer.

- (b) It shall be a discriminatory practice in violation of this section:
- (1) For an employer, by the employer or the employer's agent, except in the case of a bona fide occupational qualification or need, to refuse to hire or employ or to bar or to discharge from employment any individual or to discriminate against any individual in compensation or in terms, conditions or privileges of employment because of the individual's race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness or status as a veteran;
- (2) For any employment agency, except in the case of a bona fide occupational qualification or need, to fail or refuse to classify properly or refer for employment or otherwise to discriminate against any individual because of such individual's race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness, [or] status as a veteran [,] or status as a victim of family violence;
- (3) For a labor organization, because of the race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness, [or] status as a veteran [,] or status as a victim of family violence of any individual to exclude from full membership rights or to expel from its membership such individual or to

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discriminate in any way against any of its members or against any employer or any individual employed by an employer, unless such action is based on a bona fide occupational qualification;

- (4) For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84;
- (5) For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any act declared to be a discriminatory employment practice or to attempt to do so;
  - (6) For any person, employer, employment agency or labor organization, except in the case of a bona fide occupational qualification or need, to advertise employment opportunities in such a manner as to restrict such employment so as to discriminate against individuals because of their race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including, but not limited to, blindness, [or] status as a veteran or status as a victim of family violence;
  - (7) For an employer, by the employer or the employer's agent: (A) To terminate a woman's employment because of her pregnancy; (B) to refuse to grant to that employee a reasonable leave of absence for disability resulting from her pregnancy; (C) to deny to that employee, who is disabled as a result of pregnancy, any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer; (D) to fail or refuse to reinstate the employee to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits upon her signifying her intent to return unless, in the case of a private employer, the employer's circumstances have so changed as to make it impossible or unreasonable to do so; (E) to limit, segregate or classify the employee in

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a way that would deprive her of employment opportunities due to her pregnancy; (F) to discriminate against an employee or person seeking employment on the basis of her pregnancy in the terms or conditions of her employment; (G) to fail or refuse to make a reasonable accommodation for an employee or person seeking employment due to her pregnancy, unless the employer can demonstrate that such accommodation would impose an undue hardship on such employer; (H) to deny employment opportunities to an employee or person seeking employment if such denial is due to the employee's request for a reasonable accommodation due to her pregnancy; (I) to force an employee or person seeking employment affected by pregnancy to accept a reasonable accommodation if such employee or person seeking employment (i) does not have a known limitation related to her pregnancy, or (ii) does not require a reasonable accommodation to perform the essential duties related to her employment; (J) to require an employee to take a leave of absence if a reasonable accommodation can be provided in lieu of such leave; and (K) to retaliate against an employee in the terms, conditions or privileges of her employment based upon such employee's request for a reasonable accommodation;

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(8) For an employer, by the employer or the employer's agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent, to harass any employee, person seeking employment or member on the basis of sex or gender identity or expression. If an employer takes immediate corrective action in response to an employee's claim of sexual harassment, such corrective action shall not modify the conditions of employment of the employee making the claim of sexual harassment unless such employee agrees, in writing, to any modification in the conditions of employment. "Corrective action" taken by an employer, includes, but is not limited to, employee relocation, assigning an employee to a different work schedule or other substantive changes to an employee's terms and conditions of employment. Notwithstanding an employer's failure to obtain a written agreement from an employee concerning a modification in the conditions of employment, the commission may find that corrective action taken by an employer was reasonable and not of

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detriment to the complainant based on the evidence presented to the commission by the complainant and respondent. As used in this subdivision, "sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (C) such conduct has the purpose or effect of [substantially] interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment;

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

(10) For an employer, by the employer or the employer's agent, after informing an employee, pursuant to subdivision (9) of this subsection, of a workplace exposure to substances which may cause birth defects or constitute a hazard to an employee's reproductive system or to a fetus, to fail or refuse, upon the employee's request, to take reasonable measures to protect the employee from the exposure or hazard identified, or to fail or refuse to inform the employee that the measures taken may be the subject of a complaint filed under the provisions of this chapter. Nothing in this subdivision is intended to prohibit an

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employer from taking reasonable measures to protect an employee from exposure to such substances. For the purpose of this subdivision, "reasonable measures" shall be those measures which are consistent with business necessity and are least disruptive of the terms and conditions of the employee's employment;

- (11) For an employer, by the employer or the employer's agent, for an employment agency, by itself or its agent, or for any labor organization, by itself or its agent: (A) To request or require genetic information from an employee, person seeking employment or member, or (B) to discharge, expel or otherwise discriminate against any person on the basis of genetic information. For the purpose of this subdivision, "genetic information" means the information about genes, gene products or inherited characteristics that may derive from an individual or a family member;
- (12) For an employer, by the employer or the employer's agent, to request or require a prospective employee's age, date of birth, dates of attendance at or date of graduation from an educational institution on an initial employment application, provided the provisions of this subdivision shall not apply to any employer requesting or requiring such information (A) based on a bona fide occupational qualification or need, or (B) when such information is required to comply with any provision of state or federal law; [.]
- (13) (A) For an employer to refuse to provide a reasonable accommodation to an employee who is known by the employer to be a victim of family violence, unless such absence would cause an undue hardship to the employer. The employer may require an employee to charge any time off pursuant to this subsection against any leave with pay ordinarily granted, where available, unless otherwise provided for in a collective bargaining agreement or existing employee handbook or policy, and any such absence that cannot be charged may be treated as leave without pay. An employee may seek a reasonable accommodation under this subsection in order to: (i) Seek attention for injuries caused by family violence including for a child who is a victim of family

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violence, provided the employee is not the perpetrator of the family violence against the child; (ii) obtain services from a family violence shelter, program or rape crisis center as a result of family violence; (iii) obtain psychological counseling related to an incident or incidents of family violence, including for a child who is a victim of family violence, provided the employee is not the perpetrator of the family violence against the child; or (iv) participate in safety planning and taking other actions to increase safety from future incidents of family violence, including temporary or permanent relocation; or (v) obtain legal services, assisting in the prosecution of the offense, or otherwise participate in legal proceedings in relation to the incident or incidents of family violence.

(B) An employee who is absent from work in accordance with the provisions of subparagraph (A) of this subsection shall, within a reasonable time after the absence, provide a certification to the employer when requested by the employer. Such certification shall be in the form of: (i) A police report indicating that the employee or their child was a victim of family violence; (ii) a court order protecting or separating the employee or their child from the perpetrator of an act of family violence; (iii) other evidence from the court or prosecuting attorney that the employee appeared in court; or (iv) documentation from a medical professional, family violence advocate, health care provider, or counselor that the employee or their child was undergoing counseling or treatment for physical or mental injuries or abuse resulting in victimization from an act of family violence.

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

(D) To the extent permitted by law, employers shall maintain the confidentiality of any information regarding an employee's status as a

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## victim of family violence.

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(c) (1) The provisions of this section concerning age shall not apply to: (A) The termination of employment of any person with a contract of unlimited tenure at an independent institution of higher education who is mandatorily retired, on or before July 1, 1993, after having attained the age of seventy; (B) the termination of employment of any person who has attained the age of sixty-five and who, for the two years immediately preceding such termination, is employed in a bona fide executive or a high policy-making position, if such person is entitled to an immediate nonforfeitable annual retirement benefit under a pension, profit-sharing, savings or deferred compensation plan, or any combination of such plans, from such person's employer, which equals, in aggregate, at least forty-four thousand dollars; (C) the termination of employment of persons in occupations, including police work and firefighting, in which age is a bona fide occupational qualification; (D) the operation of any bona fide apprenticeship system or plan; or (E) the observance of the terms of a bona fide seniority system or any bona fide employee benefit plan for retirement, pensions or insurance which is not adopted for the purpose of evading said provisions, except that no such plan may excuse the failure to hire any individual and no such system or plan may require or permit the termination of employment on the basis of age. No such plan which covers less than twenty employees may reduce the group hospital, surgical or medical insurance coverage provided under the plan to any employee who has reached the age of sixty-five and is eligible for Medicare benefits or any employee's spouse who has reached age sixty-five and is eligible for Medicare benefits except to the extent such coverage is provided by Medicare. The terms of any such plan which covers twenty or more employees shall entitle any employee who has attained the age of sixty-five and any employee's spouse who has attained the age of sixty-five to group hospital, surgical or medical insurance coverage under the same conditions as any covered employee or spouse who is under the age of sixty-five.

(2) No employee retirement or pension plan may exclude any employee from membership in such plan or cease or reduce the

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employee's benefit accruals or allocations under such plan on the basis of age. The provisions of this subdivision shall be applicable to plan years beginning on or after January 1, 1988, except that for any collectively bargained plan this subdivision shall be applicable on the earlier of (A) January 1, 1990, or (B) the later of (i) the expiration date of the collective bargaining agreement, or (ii) January 1, 1988.

- (3) The provisions of this section concerning age shall not prohibit an employer from requiring medical examinations for employees for the purpose of determining such employees' physical qualification for continued employment.
- (4) Any employee who continues employment beyond the normal retirement age in the applicable retirement or pension plan shall give notice of intent to retire, in writing, to such employee's employer not less than thirty days prior to the date of such retirement.
- (d) (1) An employer shall provide written notice of the right to be free from discrimination in relation to pregnancy, childbirth and related conditions, including the right to a reasonable accommodation to the known limitations related to pregnancy pursuant to subdivision (7) of subsection (b) of this section to: (A) New employees at the commencement of employment; (B) existing employees within one hundred twenty days after the effective date of this section; and (C) any employee who notifies the employer of her pregnancy within ten days of such notification. An employer may comply with the provisions of this section by displaying a poster in a conspicuous place, accessible to employees, at the employer's place of business that contains the information required by this section in both English and Spanish. The Labor Commissioner may adopt regulations, in accordance with chapter 54, to establish additional requirements concerning the means by which employers shall provide such notice.
- (2) The Commission on Human Rights and Opportunities shall develop courses of instruction and conduct ongoing public education efforts as necessary to inform employers, employees, employment agencies and persons seeking employment about their rights and

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responsibilities under this section.

(e) It shall not be a defense to a complaint of discrimination under this section, filed in accordance with section 46a-82, that the conduct was not severe or pervasive. Conduct constitutes an unlawful discriminatory practice when the conduct subjects an individual to inferior terms, conditions or privileges of employment because of the individual's protected characteristic. The fact that such individual did not make a complaint about the discrimination to an employer, licensing agency, employment agency or labor organization shall not be determinative of whether such employer, licensing agency, employment agency or labor organization shall be liable. It shall be an affirmative defense that the harassing conduct complained of does not rise above the level of what a reasonable person would consider discrimination.

- (f) No settlement or agreement resolving a complaint of discriminatory practice between an employer and a current or past employee or job applicant shall: (1) Prohibit, prevent or otherwise restrict the right of such current or past employee or job applicant from obtaining future employment with the employer or any parent company, subsidiary, division, affiliate or contractor of the employer, or (2) include a prohibition on disparagement or disclosure by such employee as a condition for employment, continued employment, promotion, compensation or benefit or as a condition for resolving or investigating a complaint of discrimination.
- (g) No settlement or agreement between an employer and a current or past employee shall restrict such employee from filing a complaint with the Equal Opportunity Employment Commission, Commission on Human Rights and Opportunities, or, in state or federal court, testifying or otherwise participating in a state or federal agency investigation related to a claim of discrimination or otherwise pursuing such employee's rights under state or federal discrimination laws.
- Sec. 11. Subsection (c) of section 10a-55c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October*

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688 1, 2022):

- (c) For purposes of this section "sexual harassment" means with respect to an individual enrolled at an institution of higher education, any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature by an agent or employee of an institution of higher education when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic success, (2) submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual, or (3) such conduct has the purpose or effect of [substantially] interfering with an individual's academic performance or creating an intimidating or hostile educational environment.
- Sec. 12. Subdivision (5) of subsection (a) of section 31-40y of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):
  - (5) "Sexual harassment" means any unwelcome sexual advances, requests for sexual favors or any other conduct of a sexual nature when (A) submission to such conduct is made either explicitly or implicitly a term or condition of an intern's internship; (B) submission to or rejection of such conduct by an intern or an individual seeking an internship is used as the basis for workplace decisions affecting such intern or individual; or (C) such conduct has the purpose or effect of [substantially] interfering with an intern's work performance or creating an intimidating, hostile or offensive working environment.
- Sec. 13. Section 46a-58 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1*, 2022):
  - (a) It shall be a discriminatory practice in violation of this section for any person to subject, or cause to be subjected, any other person to the deprivation of any rights, privileges or immunities, secured or protected by the Constitution or laws of this state or of the United States, on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability,

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- physical disability, [or] status as a veteran <u>or status as a victim of family</u> violence.
- (b) Any person who intentionally desecrates any public property, monument or structure, or any religious object, symbol or house of religious worship, or any cemetery, or any private structure not owned by such person, shall be in violation of subsection (a) of this section. For the purposes of this subsection, "desecrate" means to mar, deface or damage as a demonstration of irreverence or contempt.

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- (c) Any person who places a burning cross or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person or group of persons, shall be in violation of subsection (a) of this section.
- (d) Any person who places a noose or a simulation thereof on any public property, or on any private property without the written consent of the owner, and with intent to intimidate or harass any other person on account of religion, national origin, alienage, color, race, sex, gender identity or expression, sexual orientation, blindness, mental disability, physical disability, [or] status as a veteran or status as a victim of family violence, shall be in violation of subsection (a) of this section.
- (e) (1) Except as provided in subdivision (2) of this subsection, any person who violates any provision of this section shall be guilty of a class A misdemeanor and shall be fined not less than one thousand dollars, except that if property is damaged as a consequence of such violation in an amount in excess of one thousand dollars, such person shall be guilty of a class D felony and shall be fined not less than one thousand dollars.
- (2) Any person who violates the provisions of this section by intentionally desecrating a house of religious worship (A) shall be guilty of a class D felony and shall be fined not less than one thousand dollars if property is damaged as a consequence of such violation in an amount up to and including ten thousand dollars, and (B) shall be guilty of a

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class C felony and shall be fined not less than three thousand dollars if the property damaged as a consequence of such violation is in an amount in excess of ten thousand dollars.

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- (3) The minimum amount of any fine imposed by the provisions of this section may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.
- 758 (4) The court may order restitution for any victim of a violation of this section pursuant to subsection (c) of section 53a-28.
- Sec. 14. Subsection (a) of section 46a-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):
- 763 (a) It shall be a discriminatory practice in violation of this section for 764 any association, board or other organization the principal purpose of 765 which is the furtherance of the professional or occupational interests of 766 its members, whose profession, trade or occupation requires a state 767 license, to refuse to accept a person as a member of such association, 768 board or organization because of his race, national origin, creed, sex, 769 gender identity or expression, color, [or] status as a veteran or status as 770 a victim of family violence.
- Sec. 15. Subsection (a) of section 46a-64 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):
  - (a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, physical disability, including, but not limited to, blindness or deafness, [or] status as a veteran or status as a victim of family violence, of the applicant, subject only to the conditions and limitations established by law and applicable

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alike to all persons; (2) to discriminate, segregate or separate on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness or deafness, [or] status as a veteran or status as a victim of family violence; (3) for a place of public accommodation, resort or amusement to restrict or limit the right of a mother to breast-feed her child; (4) for a place of public accommodation, resort or amusement to fail or refuse to post a notice, in a conspicuous place, that any blind, deaf or mobility impaired person, accompanied by his guide dog wearing a harness or an orange-colored leash and collar, may enter such premises or facilities; or (5) to deny any blind, deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person, accompanied by his guide dog or assistance dog, full and equal access to any place of public accommodation, resort or amusement. Any blind, deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person may keep his guide dog or assistance dog with him at all times in such place of public accommodation, resort or amusement at no extra charge, provided the dog wears a harness or an orange-colored leash and collar and is in the direct custody of such person. The blind, deaf or mobility impaired person or person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person shall be liable for any damage done to the premises or facilities by his dog. For purposes of this subdivision, "guide dog" or "assistance dog" includes a dog being trained as a guide dog or assistance dog and "person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person" means a person who is employed by and authorized to engage in designated training activities by a guide dog organization or assistance dog organization that complies with the criteria for membership in a professional association of guide dog or assistance dog schools and who carries photographic identification indicating such employment and authorization.

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Sec. 16. Subdivision (1) of subsection (a) of section 46a-64c of the

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- general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*)
- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, familial status, [or] status as a veteran or status as a victim of family violence.
- Sec. 17. Subsection (a) of section 46a-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):
- (a) It shall be a discriminatory practice in violation of this section for any creditor to discriminate on the basis of sex, gender identity or expression, age, race, color, religious creed, national origin, ancestry, marital status, intellectual disability, learning disability, blindness, physical disability, [or] status as a veteran or status as a victim of domestic violence against any person eighteen years of age or over in any credit transaction.
- Sec. 18. Subsection (a) of section 46a-70 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):

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- (a) State officials and supervisory personnel shall recruit, appoint, assign, train, evaluate and promote state personnel on the basis of merit and qualifications, without regard for race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, status as a veteran, status as a victim of family violence, intellectual disability, mental disability, learning disability or physical disability, including, but not limited to, blindness, unless it is shown by such state officials or supervisory personnel that such disability prevents performance of the work involved.
- Sec. 19. Subsection (a) of section 46a-71 of the general statutes is

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- repealed and the following is substituted in lieu thereof (*Effective October* 850 1, 2022):
- (a) All services of every state agency shall be performed without discrimination based upon race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness, [or] status as a veteran or status as a victim of family violence.
- Sec. 20. Subsection (b) of section 46a-72 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):
- 860 (b) Any job request indicating an intention to exclude any person 861 because of race, color, religious creed, sex, gender identity or expression, 862 marital status, age, national origin, ancestry, status as a veteran, status 863 as a victim of family violence, intellectual disability, mental disability, 864 learning disability or physical disability, including, but not limited to, 865 blindness, shall be rejected, unless it is shown by such public or private 866 employers that such disability prevents performance of the work 867 involved.
- Sec. 21. Subsection (a) of section 46a-73 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):

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- (a) No state department, board or agency may grant, deny or revoke the license or charter of any person on the grounds of race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, status as a veteran, status as a victim of family violence, intellectual disability, mental disability, learning disability or physical disability, including, but not limited to, blindness, unless it is shown by such state department, board or agency that such disability prevents performance of the work involved.
- Sec. 22. Subsection (a) of section 46a-75 of the general statutes is

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- repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):
- (a) All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness, [or] status as a veteran or status as a victim of family violence.
- Sec. 23. Subsection (a) of section 46a-76 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October* 1, 2022):

- (a) Race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness, [or] status as a veteran or status as a victim of family violence, shall not be considered as limiting factors in state-administered programs involving the distribution of funds to qualify applicants for benefits authorized by law.
- Sec. 24. Subdivision (1) of subsection (a) of section 4a-60 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):
- (1) The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, status as a veteran, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut; and the

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- contractor further agrees to take affirmative action to ensure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, status as a veteran, status as a victim of family violence, intellectual disability, mental disability or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved;
- Sec. 25. Subsection (c) of section 10a-55x of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1*, 2022):

- (c) Each institution of higher education shall ensure that every member of the campus mental health coalition is educated about the (1) mental health services and programs offered at each campus by such institution, (2) role and function of the campus mental health coalition at such institution, and (3) 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, status as a victim of family violence or service member of the armed forces of the United States.
- Sec. 26. (*Effective July 1, 2022*) The sum of one million four hundred forty thousand dollars is appropriated to the Department of Social Services from the General Fund, for the fiscal year ending June 30, 2023, for domestic violence child and family advocates at domestic violence agencies, as defined in section 52-146k of the general statutes.
- Sec. 27. (*Effective July 1, 2022*) The sum of one million four hundred forty thousand dollars appropriated in section 26 of this act to the Department of Social Services, for the fiscal year ending June 30, 2023, shall be made available for domestic violence child and family advocates at domestic violence agencies, as defined in section 52-146k of the general statutes, whose purpose shall be to provide trauma-

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informed services to children and families experiencing domestic violence. For purposes of this section, "trauma-informed services" means services directed by a thorough understanding of the neurological, biological, psychological and social effects of trauma and violence on a person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	New section
Sec. 2	October 1, 2022	New section
Sec. 3	October 1, 2022	New section
Sec. 4	October 1, 2022	New section
Sec. 5	October 1, 2022	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 Purpose:

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To: (1) Establish verification requirements prior to the creation of an online dating account, (2) establish the crime of child grooming, (3)

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create a grant program to prevent online abuse, (4) require domestic violence training for state employees, (5) prohibit discrimination against a victim of family violence, and (6) expand assistance to families and children in homes experiencing domestic violence.

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

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.

SEN. ANWAR, 3rd Dist.; SEN. CABRERA, 17th Dist. SEN. CASSANO, 4th Dist.; SEN. COHEN, 12th Dist.

SEN. DAUGHERTY ABRAMS, 13th Dist.; SEN. FLEXER, 29th

Dist.

SEN. FONFARA, 1st Dist.; SEN. HASKELL, 26th Dist. SEN. KUSHNER, 24th Dist.; SEN. LESSER, 9th Dist. SEN. LOPES, 6th Dist.; SEN. MILLER P., 27th Dist. SEN. MOORE, 22nd Dist.; SEN. SLAP, 5th Dist.

SEN. WINFIELD, 10th Dist.; REP. MICHEL, 146th Dist. REP. DATHAN, 142nd Dist.; REP. THOMAS, 143rd Dist. REP. HAMPTON, 16th Dist.; REP. NOLAN, 39th Dist. REP. WINKLER, 56th Dist.; REP. PARIS, 145th Dist.

REP. KAVROS DEGRAW, 17th Dist.

S.B. 5

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