



Senate

General Assembly

File No. 70

February Session, 2024

Substitute Senate Bill No. 134

Senate, March 21, 2024

The Committee on General Law reported through SEN. MARONEY of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO STATUTES CONCERNING CONSUMER PROTECTION.

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

1 Section 1. Subdivision (1) of subsection (b) of section 19a-342a of the
2 2024 supplement to the general statutes is repealed and the following is
3 substituted in lieu thereof (*Effective October 1, 2024*):

4 (b) (1) No person shall use an electronic nicotine or cannabis delivery
5 system or vapor product: (A) In any area of a building or portion of a
6 building owned and operated or leased and operated by the state or any
7 political subdivision of the state; (B) in any area of a health care
8 institution, including, but not limited to, a psychiatric facility; (C) in any
9 area of a retail establishment accessed by the public; (D) in any
10 restaurant; (E) in any area of an establishment with a permit issued for
11 the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-
12 22, 30-22a, 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-
13 37e or 30-37f, or in any area of an establishment with a permit issued for
14 the sale of alcoholic liquor pursuant to section 30-22aa issued after May
15 1, 2003; (F) in any area of a school building or on the grounds of such

16 school; (G) within a child care facility or on the grounds of such child
17 care facility, except, if the child care facility is a family child care home
18 as defined in section 19a-77, such use is prohibited only when a child
19 enrolled in such home is present during customary business hours; (H)
20 in any passenger elevator; (I) in any area of a dormitory in any public or
21 private institution of higher education; (J) in any area of a dog race track
22 or a facility equipped with screens for the simulcasting of off-track
23 betting race programs or jai alai games; (K) in any room offered as an
24 accommodation to guests by the operator of a hotel, motel or similar
25 lodging; (L) in any area of a correctional facility, halfway house or
26 residential facility funded by the Judicial Branch; or (M) in any area of a
27 platform or a shelter at a rail, busway or bus station, owned and
28 operated or leased and operated by the state or any political subdivision
29 of the state. For purposes of this subsection, "restaurant" means space,
30 in a suitable and permanent building, kept, used, maintained,
31 advertised and held out to the public to be a place where meals are
32 regularly served to the public; and "school" has the same meaning as
33 provided in section 10-154a.

34 Sec. 2. Subsection (a) of section 20-327f of the 2024 supplement to the
35 general statutes, as amended by section 35 of public act 23-84, is
36 repealed and the following is substituted in lieu thereof (*Effective October*
37 *1, 2024*):

38 (a) With respect to a contract for the sale of residential real property,
39 if the seller provides written notice to the purchaser, prior to, or upon,
40 entering into the contract, of the availability of the lists of hazardous
41 waste facilities pursuant to section 22a-134f, the seller and any real estate
42 licensee shall be deemed to have fully satisfied any duty to disclose the
43 presence of all hazardous waste facilities, as defined in section 22a-134f,
44 even if: (1) The list required to be submitted pursuant to section 22a-134f
45 has not been submitted, (2) the list has not been received or made
46 available as required in section 22a-134f, or (3) there is an error, omission
47 or inaccuracy in the list.

48 Sec. 3. Subsection (b) of section 20-420a of the 2024 supplement to the

49 general statutes is repealed and the following is substituted in lieu
50 thereof (*Effective October 1, 2024*):

51 (b) A business entity desiring a certificate of registration shall apply
52 to the commissioner, online, on a form provided by the commissioner.
53 The application shall (1) state the name and address of such business
54 entity, the city or town and the street and number where such business
55 entity is to maintain its principal place of business in this state and the
56 names and addresses of its individual owners, (2) contain a list of one or
57 more individuals who shall direct, supervise or perform home
58 improvements for such business entity, (3) require each individual
59 owner of such business entity to disclose whether such individual
60 owner has been found guilty or convicted as a result of an act which (A)
61 constitutes a felony under the laws of this state or federal law, or (B) was
62 committed in another jurisdiction but, if committed in this state, would
63 constitute a felony under the laws of this state, and (4) contain such other
64 information as the commissioner may require.

65 Sec. 4. Subsection (a) of section 20-426 of the 2024 supplement to the
66 general statutes is repealed and the following is substituted in lieu
67 thereof (*Effective October 1, 2024*):

68 (a) The commissioner may revoke, suspend or refuse to issue or
69 renew any certificate of registration as a home improvement contractor
70 or salesperson or place a registrant on probation or issue a letter of
71 reprimand (1) for conduct of a character likely to mislead, deceive or
72 defraud the public or the commissioner, (2) for engaging in any
73 untruthful or misleading advertising, (3) for failing to reimburse the
74 guaranty fund established pursuant to section 20-432, as amended by
75 this act, for any moneys paid to an owner pursuant to subsection (o) of
76 section 20-432, (4) for unfair or deceptive business practices, (5) subject
77 to section 46a-80, based on a felony conviction of an individual
78 registrant or an individual owner of a registrant that is a business entity,
79 [.] or (6) for violation of any of the provisions of the general statutes
80 relating to home improvements or any regulation adopted pursuant to
81 any of such provisions. The commissioner may refuse to issue or renew

82 any certificate of registration as a home improvement contractor or
83 salesperson of any person subject to the registration requirements of
84 chapter 969.

85 Sec. 5. Subsection (b) of section 20-432 of the 2024 supplement to the
86 general statutes is repealed and the following is substituted in lieu
87 thereof (*Effective October 1, 2024*):

88 (b) Each salesman who receives a certificate pursuant to this chapter
89 shall pay a fee of forty dollars annually. Each contractor [(1)] who
90 receives a certificate pursuant to this chapter, or [(2)] who receives a
91 certificate pursuant to chapter 399a and has opted to engage in home
92 improvement pursuant to subsection (f) of section 20-417b₂ shall pay a
93 fee of one hundred dollars annually to the guaranty fund. Such fee shall
94 be payable with the fee for an application for a certificate or renewal
95 thereof. The annual fee for a contractor who receives a certificate of
96 registration as a home improvement contractor acting solely as the
97 contractor of record for a corporation shall be waived, provided the
98 contractor of record shall use such registration for the sole purpose of
99 directing, supervising or performing home improvements for such
100 corporation.

101 Sec. 6. Subsection (b) of section 20-679 of the 2024 supplement to the
102 general statutes is repealed and the following is substituted in lieu
103 thereof (*Effective October 1, 2024*):

104 (b) Not later than seven calendar days after the date on which a
105 homemaker-companion agency commences providing homemaker
106 services or companion services, such agency shall provide the person
107 who receives such services, or the authorized representative of such
108 person, with a written contract or service plan. The written contract or
109 service plan shall be developed in consultation with such person or
110 authorized representative and include (1) a person-centered plan of care
111 and services that prescribes the anticipated scope, type, frequency,
112 duration and cost of such services, (2) the anticipated scope, type and
113 frequency of oversight of an employee assigned to such person by the
114 homemaker-companion agency, and (3) a predetermined frequency of

115 meetings between the person who oversees such employee and the
116 person who receives the services, or the authorized representative of
117 such person. In addition, any contract or service plan provided by a
118 homemaker-companion agency to a person receiving homemaker
119 services or companion services shall also provide conspicuous notice, in
120 boldface type, disclosing (A) the person's right to request changes to, or
121 review of, the contract or service plan, (B) that such agency shall provide
122 at least sixty days' advance written notice to such person or such
123 person's authorized representative disclosing any change in the rate for
124 the same level or type of services provided and charged for such
125 services, (C) the employees of such agency who, pursuant to section 20-
126 678, are required to submit to a comprehensive background check, (D)
127 that upon the request of such person or an authorized representative of
128 such person, such agency shall provide such person or representative of
129 such person with written notice that a comprehensive background
130 check, as required pursuant to section 20-678, was performed for all
131 employees of such agency performing homemaker services or
132 companion services for such person, (E) that such agency's records are
133 available for inspection or audit by the Department of Consumer
134 Protection, (F) that the agency is not able to guarantee the extent to
135 which its homemaker services or companion services will be covered
136 under any insurance plan, and (G) that such contract or service plan may
137 be cancelled at any time by the client if such contract or service plan does
138 not contain a specific period of duration. On the date that a homemaker-
139 companion agency provides such contract or service plan to such
140 person, the agency shall also provide a printed copy of the guide that
141 details the process by which such person, or such person's authorized
142 representative, may file a complaint against such agency, posted on the
143 Department of Consumer Protection's Internet web site pursuant to 20-
144 284. No contract or service plan for the provision of homemaker or
145 companion services shall be valid against the person who receives the
146 services or the authorized representative of such person, unless the
147 contract or service plan has been signed by a duly authorized
148 representative of the homemaker-companion agency and the person
149 who receives the services or the authorized representative of such

150 person. No change in the rate for the same level or type of services
151 provided and charged for homemaker services or companion services
152 shall be valid against a person who is receiving such services unless the
153 homemaker-companion agency providing such services provides at
154 least sixty days' advance written notice to such person, or such person's
155 authorized representative, disclosing such rate change. The
156 requirements of this section shall not apply to homemaker services or
157 companion services provided under the Connecticut home-care
158 program for the elderly administered by the Department of Social
159 Services in accordance with section 17b-342. A written contract or
160 service plan between a homemaker-companion agency and a person
161 receiving services or the authorized representative of such person shall
162 not be enforceable against such person receiving services or authorized
163 representative unless such written contract or service plan contains all
164 of the requirements of this section.

165 Sec. 7. Subsection (a) of section 21a-70 of the 2024 supplement to the
166 general statutes is repealed and the following is substituted in lieu
167 thereof (*Effective October 1, 2024*):

168 (a) As used in this section: (1) "Drugs", "devices" and "cosmetics" have
169 the same meanings as defined in section 21a-92, "wholesaler" or
170 "distributor" means a person, including, but not limited to, a medical
171 device and oxygen provider, a third-party logistics provider, a virtual
172 manufacturer or a virtual wholesale distributor, as such terms are
173 defined in section 20-571, whether within or without the boundaries of
174 the state of Connecticut, who supplies drugs, devices or cosmetics
175 prepared, produced or packaged by manufacturers, to other
176 wholesalers, manufacturers, distributors, hospitals, prescribing
177 practitioners, as defined in section 20-571, pharmacies, federal, state or
178 municipal agencies, clinics or any other person as permitted under
179 subsection (h) of this section, except that: (A) A retail pharmacy or a
180 pharmacy within a licensed hospital that supplies to another such
181 pharmacy a quantity of a noncontrolled drug or a schedule II, III, IV or
182 V controlled substance normally stocked by such pharmacies to provide
183 for the immediate needs of a patient pursuant to a prescription or

184 medication order of an authorized practitioner, (B) a pharmacy within a
185 licensed hospital that supplies drugs to another hospital or an
186 authorized practitioner for research purposes, (C) a retail pharmacy that
187 supplies a limited quantity of a noncontrolled drug or [of] a schedule II,
188 III, IV or V controlled substance for emergency stock to a practitioner
189 who is a medical director of a chronic and convalescent nursing home,
190 of a rest home with nursing supervision, of a hospice inpatient facility
191 licensed pursuant to section 19a-491 or of a state correctional institution,
192 and (D) a pharmacy within a licensed hospital that contains another
193 hospital wholly within such licensed hospital's physical structure that
194 supplies to such contained hospital a quantity of a noncontrolled drug
195 or a schedule II, III, IV [,] or V controlled substance normally stocked by
196 such hospitals to provide for the needs of a patient, pursuant to a
197 prescription or medication order of an authorized practitioner, receiving
198 inpatient care on a unit that is operated by the contained hospital, or
199 receiving outpatient care in a setting operated by the contained hospital
200 and such drug or substance is administered on-site by the contained
201 hospital, shall not be deemed a wholesaler under this section; (2)
202 "manufacturer" means (A) a person, whether within or without the
203 boundaries of the state of Connecticut, who produces, prepares,
204 cultivates, grows, propagates, compounds, converts or processes,
205 directly or indirectly, by extraction from substances of natural origin or
206 by means of chemical synthesis or by a combination of extraction and
207 chemical synthesis, or who packages, repackages, labels or relabels a
208 container under such manufacturer's own or any other trademark or
209 label any drug, device or cosmetic for the purpose of selling such items,
210 or (B) a sterile compounding pharmacy, as defined in section 20-633b,
211 that dispenses sterile pharmaceuticals without a prescription or a
212 patient-specific medical order; (3) "drug", "device" and "cosmetic" have
213 the same meanings as provided in section 21a-92; and (4)
214 "commissioner" means the Commissioner of Consumer Protection or
215 the commissioner's designee.

216 Sec. 8. Subdivisions (7) to (13), inclusive, of section 21a-231 of the 2024
217 supplement to the general statutes are repealed and the following is
218 substituted in lieu thereof (*Effective October 1, 2024*):

219 (7) "Manufacture", "make" [.] or "made" refer to the assembly,
220 construction or [the] importation of bedding or filling material for sale.

221 (8) "Manufacturer" means any person who makes or prepares for sale
222 or imports bedding, in whole or in part, that contains filling material.

223 (9) "New" means any filling material or bedding which has not been
224 previously used for any purpose.

225 (10) "Person" means an individual, partnership, corporation, limited
226 liability company, association, receiver or agent.

227 (11) "Renovate" means addition of new filling material to bedding.

228 (12) "Renovator" means any person who adds new filling material to
229 bedding for a fee.

230 (13) "Sale", "sell" [.] or "sold" means offering or exposing for sale, [or]
231 exchange or lease or holding in possession with like intent.

232 Sec. 9. Subdivision (30) of section 21a-240 of the 2024 supplement to
233 the general statutes is repealed and the following is substituted in lieu
234 thereof (*Effective October 1, 2024*):

235 (30) "Narcotic substance" means any of the following, whether
236 produced directly or indirectly by extraction from a substance of
237 vegetable origin, or independently by means of chemical synthesis, or
238 by a combination of extraction and chemical synthesis: (A) Morphine-
239 type: (i) Opium or opiate, or any salt, compound, derivative, or
240 preparation of opium or opiate which is similar to any such substance
241 in chemical structure or which is similar to any such substance in
242 physiological effect and which shows a like potential for abuse, which
243 is a controlled substance under this chapter unless modified; (ii) any
244 salt, compound, isomer, derivative, or preparation of any such
245 substance which is chemically equivalent or identical to any substance
246 referred to in clause (i) of this [subdivision] subparagraph, but not
247 including the isoquinoline alkaloids of opium; (iii) opium poppy or
248 poppy straw; or (iv) (I) fentanyl or any salt, compound, derivative or

249 preparation of fentanyl which is similar to any such substance in
250 chemical structure or which is similar to any such substance in
251 physiological effect and which shows a like potential for abuse, which
252 is a controlled substance under this chapter unless modified, or (II) any
253 salt, compound, isomer, derivative or preparation of any such substance
254 which is chemically equivalent or identical to any substance referred to
255 in subclause (I) of this clause; or (B) cocaine-type; coca leaves or any salt,
256 compound, derivative or preparation of coca leaves, or any salt,
257 compound, isomer, derivatives or preparation of any such substance
258 which is chemically equivalent or identical to any such substance or
259 which is similar to any such substance in physiological effect and which
260 shows a like potential for abuse, but not including decocainized coca
261 leaves or extractions of coca leaves which do not contain cocaine or
262 ecgonine.

263 Sec. 10. Subdivision (2) of subsection (e) of section 21a-420g of the
264 2024 supplement to the general statutes is repealed and the following is
265 substituted in lieu thereof (*Effective October 1, 2024*):

266 (2) Upon determination by the Social Equity Council that an
267 application selected through the lottery process does not qualify for
268 consideration as a social equity applicant, the department shall request
269 that the third-party lottery operator identify the next-ranked application
270 in the social equity lottery. This process may continue until the Social
271 Equity Council has identified for further consideration the number of
272 applications set forth on the department's Internet web site pursuant to
273 subsection (b) of this section or until there are no remaining social equity
274 applications to be considered.

275 Sec. 11. Subdivision (2) of section 21a-435 of the 2024 supplement to
276 the general statutes is repealed and the following is substituted in lieu
277 thereof (*Effective October 1, 2024*):

278 (2) "Criminal background screening" means a name search for an
279 individual's history of criminal convictions that is conducted by
280 searching [an] (A) an available and regularly updated government
281 public record database that in the aggregate provides national coverage

282 for searching an individual's history of criminal convictions; or (B) a
283 regularly updated database maintained by a private vendor that
284 provides national coverage for searching an individual's history of
285 criminal convictions and sexual offender registries;

286 Sec. 12. Subsections (b) to (g), inclusive, of section 36a-701b of the
287 2024 supplement to the general statutes are repealed and the following
288 is substituted in lieu thereof (*Effective October 1, 2024*):

289 (b) (1) Any person who owns, licenses or maintains computerized
290 data that includes personal information [.] shall provide notice of any
291 breach of security following the discovery of the breach to any resident
292 of this state whose personal information was breached or is reasonably
293 believed to have been breached. Such notice shall be made without
294 unreasonable delay but not later than sixty days after the discovery of
295 such breach, unless a shorter time is required under federal law, subject
296 to the provisions of subsection (d) of this section. If the person identifies
297 additional residents of this state whose personal information was
298 breached or reasonably believed to have been breached following sixty
299 days after the discovery of such breach, the person shall proceed in good
300 faith to notify such additional residents as expediently as possible. Such
301 notification shall not be required if, after an appropriate investigation,
302 the person reasonably determines that the breach will not likely result
303 in harm to the individuals whose personal information has been
304 acquired or accessed.

305 (2) If notice of a breach of security is required by subdivision (1) of
306 this subsection:

307 (A) The person who owns, licenses or maintains computerized data
308 that includes personal information [.] shall, not later than the time when
309 notice is provided to the resident, also provide notice of the breach of
310 security to the Attorney General; and

311 (B) The person who owns or licenses computerized data that includes
312 personal information [.] shall offer to each resident whose personal
313 information under clause (i) or (ii) of subparagraph (A) of subdivision

314 (2) of subsection (a) of this section was breached, or is reasonably
315 believed to have been breached, appropriate identity theft prevention
316 services and, if applicable, identity theft mitigation services. Such
317 service or services shall be provided at no cost to such resident for a
318 period of not less than two years. Such person shall provide all
319 information necessary for such resident to enroll in such service or
320 services and shall include information on how such resident can place a
321 credit freeze on such resident's credit file.

322 (c) Any person that maintains computerized data that includes
323 personal information that the person does not own shall notify the
324 owner or licensee of the information of any breach of the security of the
325 data immediately following its discovery, if the personal information of
326 a resident of this state was breached or is reasonably believed to have
327 been breached.

328 (d) Any notification required by this section shall be delayed for a
329 reasonable period of time if a law enforcement agency determines that
330 the notification will impede a criminal investigation and such law
331 enforcement agency has made a request that the notification be delayed.
332 Any such delayed notification shall be made after such law enforcement
333 agency determines that notification will not compromise the criminal
334 investigation and so notifies the person of such determination.

335 (e) Any notice to a resident, owner or licensee required by the
336 provisions of this section may be provided by one of the following
337 methods, subject to the provisions of subsection (f) of this section: (1)
338 Written notice; (2) telephone notice; (3) electronic notice, provided such
339 notice is consistent with the provisions regarding electronic records and
340 signatures set forth in 15 USC 7001, [;] as amended from time to time; or
341 (4) substitute notice, provided such person demonstrates in the notice
342 provided to the Attorney General that the cost of providing notice in
343 accordance with subdivision (1), (2) or (3) of this subsection would
344 exceed two hundred fifty thousand dollars, that the affected class of
345 subject persons to be notified exceeds five hundred thousand persons or
346 that the person does not have sufficient contact information. Substitute

347 notice shall consist of the following: (A) Electronic mail notice when the
348 person has an electronic mail address for the affected persons; (B)
349 conspicuous posting of the notice on the Internet web site of the person
350 if the person maintains one; and (C) notification to major state-wide
351 media, including newspapers, radio and television.

352 (f) (1) In the event of a breach of login credentials under
353 subparagraph (B) of subdivision (2) of subsection (a) of this section,
354 notice to a resident may be provided in electronic or other form that
355 directs the resident whose personal information was breached or is
356 reasonably believed to have been breached to promptly change any
357 password or security question and answer, as applicable, or to take
358 other appropriate steps to protect the affected online account and all
359 other online accounts for which the resident uses the same user name or
360 electronic mail address and password or security question and answer.

361 (2) Any person that furnishes an electronic mail account shall not
362 comply with this section by providing notification to the electronic mail
363 account that was breached or reasonably believed to have been
364 breached if the person cannot reasonably verify the affected resident's
365 receipt of such notification. In such an event, the person shall provide
366 notice by another method described in this section or by clear and
367 conspicuous notice delivered to the resident online when the resident is
368 connected to the online account from an Internet protocol address or
369 online location from which the person knows the resident customarily
370 accesses the account.

371 (g) Any person that maintains such person's own security breach
372 procedures as part of an information security policy for the treatment of
373 personal information and otherwise complies with the timing
374 requirements of this section [,] shall be deemed to be in compliance with
375 the security breach notification requirements of this section, provided
376 such person notifies, as applicable, residents of this state, owners and
377 licensees in accordance with such person's policies in the event of a
378 breach of security and in the case of notice to a resident, such person
379 also notifies the Attorney General not later than the time when notice is

380 provided to the resident. Any person that maintains such a security
 381 breach procedure pursuant to the rules, regulations, procedures or
 382 guidelines established by the primary or functional regulator, as defined
 383 in 15 USC 6809(2), as amended from time to time, shall be deemed to be
 384 in compliance with the security breach notification requirements of this
 385 section, provided (1) such person notifies, as applicable, such residents
 386 of this state, owners [] and licensees who are required to be notified
 387 under and in accordance with the policies or the rules, regulations,
 388 procedures or guidelines established by the primary or functional
 389 regulator in the event of a breach of security, and (2) if notice is given to
 390 a resident of this state in accordance with subdivision (1) of this
 391 subsection regarding a breach of security, such person also notifies the
 392 Attorney General not later than the time when notice is provided to the
 393 resident.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	19a-342a(b)(1)
Sec. 2	October 1, 2024	20-327f(a)
Sec. 3	October 1, 2024	20-420a(b)
Sec. 4	October 1, 2024	20-426(a)
Sec. 5	October 1, 2024	20-432(b)
Sec. 6	October 1, 2024	20-679(b)
Sec. 7	October 1, 2024	21a-70(a)
Sec. 8	October 1, 2024	21a-231(7) to (13)
Sec. 9	October 1, 2024	21a-240(30)
Sec. 10	October 1, 2024	21a-420g(e)(2)
Sec. 11	October 1, 2024	21a-435(2)
Sec. 12	October 1, 2024	36a-701b(b) to (g)

Statement of Legislative Commissioners:

In Section 12(e)(3), "15 USC 7001;" was changed to "15 USC 7001, [] as amended from time to time; or" for clarity and consistency with standard drafting conventions; and in Section 12(g), "as amended from time to time" was added after "15 USC 6809(2)" for consistency with standard drafting conventions.

GL Joint Favorable Subst. -LCO

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: None

Municipal Impact: None

Explanation

The bill makes various technical and conforming changes regarding consumer protection statutes resulting in no fiscal impact to the state.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sSB 134

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR MINOR AND TECHNICAL REVISIONS TO STATUTES CONCERNING CONSUMER PROTECTION.

SUMMARY

This bill makes technical changes to various statutes concerning consumer protection.

EFFECTIVE DATE: October 1, 2024

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 22 Nay 0 (03/07/2024)