

General Law Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5236

AN ACT CONCERNING THE DEPARTMENT OF CONSUMER PROTECTION'S RECOMMENDATIONS REGARDING CONSUMER PROTECTION AND PROFESSIONAL LICENSING, CERTIFICATION, PERMITTING AND

Title: REGISTRATION.

Vote Date: 3/7/2024

Vote Action: Joint Favorable Substitute

PH Date: 2/27/2024

File No.: 103

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SPONSORS OF BILL:

General Law

REASONS FOR BILL:

This bill will align and update changes to the DCP. Many items in this bill will give the Department of Consumer Protection the ability to better govern occupational licensure, food and standards and administrative enforcement actions. It will also align with the Attorney General's Office to enforce unfair and deceptive business practices, as well as updates and clarifies definitions for consistency.

SUBSTITUTE LANGUAGE

Further changes in language were needed to detail and clarify this bill. The following was added or changed for consistency and clarity: Section 3 (15) added "as amended from time to time" for consistency with standard drafting conventions. Section 13 (c) "but not limited to" was added after including. Section 13 required a change to "unless the department has approved a renewal application for such license, permit, certificate or registration". Section 19 (a) "a licensed physician assistant" was added after "(or)". Section 22(f)(1), "an owner" was changed to "a buyer" for consistency; in Section 22(f)(2)(B), removal of the word "said" for internal consistency. Section 22 "his" was bracketed and for clarity "the buyers" was added after the brackets. Section 26 (a)(2)(A) the word "will" was changed to "shall". Section 26 (a)(2)(A)(i) "refund in the form of a" was added before "store credit". Section 26(a)(3) after "such" the following was added "person's refund or exchange" and "refund in the form of a" was added for consistency.

RESPONSE FROM ADMINISTRATION/AGENCY:

Bryan Cafferelli, Commissioner, Department of Consumer Protection

Commissioner Cafferelli thanked the committee for raising this bill. This bill updates and clarifies definitions for consistency governing occupational licensure, food and standards, and administrative enforcement actions. These clarifications align DCP's enforcement authority with the Office of the Attorney relating to deceptive and unfair business practices. It will permit DCP to start the embargo process through an administrative hearing rather than petitioning the Superior Court when adulterated food and drugs are found in the state. It will also amend the "buy one get one free" law, clarifies price scanner accuracy for other entities. As well as many other changes in the DCP professional licensing, certifications, permitting and registration.

William Tong, Attorney General, State of Connecticut

Attorney Tong supports this bill. This bill will make it easier for consumers to access the Home Improvement Guaranty Fund by clarifying that DCP may accept a criminal order against the homeowner of a home improvement contractor. In all areas of the state the Attorney General prosecutes violations of the Home Improvement Act in nearly every court in the state. In most of these cases the homeowners are seeking a significant amount of restitution as part of a criminal disposition. The language in subsection (d) permits payment to a consumer from the Home Improvement Guaranty Fund. Also, in subsection (g) there is protection for DCP for recovering monies paid out by the HIGF by holding individual contractor liable for the resulting debt to the guaranty fund.

NATURE AND SOURCES OF SUPPORT:

Jason Prevelige, DMSc, MBA, PA-C, DFAAPA, Chair, Legislative Committee, Connecticut Academy of Physician Associates

Mr. Prevelige requests that physician's assistants are included in Line 1044 of this bill which specifies providing necessary documentation. In Line 993, PAs are listed, while "another credentialed medical provider" seems to indicate PA's can provide documentation. When PA's are not specifically named despite the ability to provide certification, it is deemed that they are unable to authorize the certification. Given PA's are included elsewhere in the section, it seems appropriate they would be listed on Line 1044, making this a technical revision.

NATURE AND SOURCES OF OPPOSITION:

Matt Miller, Chief Executive Officer, Council of Landscape Architectural Registration Board (CLARB)

Mr. Miller wrote asking that the language requiring applicants with an accredited degree in landscape architecture seeking licensure must complete two years' experience before applying for LARE be removed. As a national organization, CLARB promotes uniform, defensible, and equitable requirements to reduce administrative burden on the Board and provide a pathway for applicants who are seeking licensure. CLARB allows applicants who have accredited degrees a clear pathway to begin testing and gain experience concurrently. They see no difference between pass rates in applicant's who obtained pre-approval from their Board compared to those who go through CLARB.

Elizabeth Hebron, Director, State Government Affairs, American Society of Landscape Architects (ASLA)

Ms. Hebron wrote asking that the language requiring applicants with an accredited degree in landscape architecture be removed from HB5236. Another concern is the landscape architecture licensure candidates would be allowed to receive their experience under the "direct supervision of a licensed civil engineer or licensed architect." While there is an overlap in these professions, landscape architects have their own unique knowledge, skills and abilities. Candidates should receive their real-world experience under the supervision of licensed landscape architect. ASLA respectfully requests the DCP clarify with an amendment no more than half of the practical experience gained under the direct supervision of a licensed civil engineer or licensed architect. That at least half be under the direct supervision of a licensed landscape architect. This proposed change will extend the time required for the candidates to obtain landscape architect licensure.

Home Builders & Remodelers Association of Connecticut, Inc.

Home Builders & Remodelers Association of Connecticut, Inc. opposes this bill. If this bill does get passed out of the committee, it should be amended to remove sections 2 and 3. Section 2 gives authority to the Commissioner to suspend, revoke or non-renew a contractor's registration if they are conducting business with a contract not compliant with Sec. 20—249 of the Connecticut General Statutes. This statute already renders a non-compliant home improvement contract invalid and unenforceable. A homeowner can refuse to pay for completed work, regardless of the quality, putting contractors at financial risk. Instead of passing HB5236, Section 2, the Attorney General's Office and DCP could educate both consumers and contractors on how to write well-written contracts. Section 3 would make an exception that would pierce the corporate veil exposing to all the DCP to seek restitution for the Homeowners Improvement Guaranty Fund from individual construction companies. This would cause individual owners of constructions companies to become wary of personal liability, leading to reluctance to engage in new home projects as well as cause delays, increased costs, and an overall negative impact on the willingness of companies to participate in housing projects.

Reported by: Bonnie Gray, Assistant Clerk

Date: 4/1/2024