



**Substitute Senate Bill No. 1058**

**Public Act No. 23-98**

**AN ACT CONCERNING CHARITABLE ORGANIZATIONS,  
TELECOMMUNICATIONS AND THE ATTORNEY GENERAL'S  
RECOMMENDATIONS REGARDING CONSUMER PROTECTION.**

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

Section 1. Subsections (c) to (f), inclusive, of section 42-110d of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) In addition to other powers conferred upon the commissioner, said commissioner may execute in writing and cause to be served by certified mail an investigative demand upon any person suspected of using, having used or about to use any method, act or practice declared by section 42-110b to be unlawful or upon any person from whom said commissioner wants assurance that section 42-110b has not, is not or will not be violated. Such investigative demand shall contain a description of the method, act or practice under investigation, provide a reasonable time for compliance, and require such person to furnish under oath or otherwise, as may be specified in said demand, a report in writing setting forth relevant facts or circumstances together with documentary material. Notwithstanding subsection (f) of this section, responses to investigative demands issued under this subsection may be withheld from public disclosure during the full pendency of the

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investigation.

(d) Said commissioner, in conformance with sections 4-176e to 4-185, inclusive, whenever [he] the commissioner has reason to believe that any person has been engaged or is engaged in an alleged violation of any provision of this chapter, shall mail to such person, by certified mail, a complaint stating the charges and containing a notice of a hearing, to be held upon a day and at a place therein fixed at least fifteen days after the date of such complaint. The person so notified shall have the right to file a written answer to the complaint and charges therein stated and appear at the time and place so fixed for such hearing, in person or otherwise, with or without counsel, and submit testimony and be fully heard. Any person may make application, and upon good cause shown shall be allowed by the commissioner to intervene and appear in such proceeding by counsel or in person. The testimony in any such proceeding, including the testimony of any intervening person, shall be under oath and shall be reduced to writing by the recording officer of the hearing and filed in the office of the commissioner. The commissioner or [his] the commissioner's authorized representatives shall have the power to require by subpoena the attendance and testimony of witnesses and the production of any documentary material at such proceeding. If upon such hearing the commissioner is of the opinion that the method of competition or the act or practice in question is prohibited by this chapter, the commissioner shall make a report in writing to the person complained of in which [he] the commissioner shall state [his] the commissioner's findings as to the facts and shall forward by certified mail to such person an order to cease and desist from using such methods of competition or such act or practice, or, if the amount involved is less than ten thousand dollars, an order directing restitution, or both. The commissioner may apply for the enforcement of any cease and desist order, order directing restitution or consent order issued under this chapter to the superior court for the judicial district of Hartford, or to any judge thereof if the same is not in session,

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for orders temporarily and permanently restraining and enjoining any person from continuing violations of such cease and desist order, order directing restitution or consent order. Such application for a temporary restraining order, temporary and permanent injunction, order directing restitution and for such other appropriate decree or process shall be brought and the proceedings thereon conducted by the Attorney General.

(e) In addition to any injunction issued pursuant to subsection (d) of this section, the court may make such additional orders or judgments as may be necessary to restore to any person in interest any moneys or property, real or personal, which may have been acquired by means of any practices prohibited by this chapter, including the appointment of a receiver or the revocation of a license or certificate authorizing the person subject to the order or injunction to engage in business in this state, or both.

(f) The commissioner or the Attorney General or their employees shall disclose, in accordance with the provisions of the Freedom of Information Act, as defined in section 1-200, all records concerning the investigation of any alleged violation of any provision of this chapter, including, but not limited to, any complaint initiating an investigation and all records of the disposition or settlement of a complaint. For purposes of this section, "disposition" shall include the following action or nonaction with respect to any complaints or investigations: [(A)] (1) No action taken because of [(i)] (A) a lack of jurisdiction, [; (ii)] (B) unsubstantiated allegations, or [(iii)] (C) a lack of sufficient information to draw a conclusion, as determined by the commissioner, after investigation; [(B)] (2) referral to another state agency, or to a federal or local agency, or to law enforcement authorities; [(C)] (3) an acceptance of an assurance of voluntary compliance in accordance with the provisions of section 42-110j; and [(D)] (4) formal action taken, including the institution of administrative proceedings pursuant to subsection (d)

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of this section or court proceedings pursuant to section 42-110m, 42-110o or 42-110p. The commissioner may withhold such records from disclosure during the pendency of an investigation or examination held in accordance with subsection (a) of this section, but in no event shall the commissioner withhold any such records longer than a period of eighteen months after the date on which the initial complaint was filed with the commissioner or after the date on which the investigation or examination was commenced, whichever is earlier. Nothing herein shall be deemed to affect the rights of litigants, including parties to administrative proceedings, under the laws of discovery of this state.

Sec. 2. Subsection (c) of section 35-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(c) (1) All documentary material furnished to the Attorney General, [his or her] the Attorney General's deputy or any assistant attorney general designated by the Attorney General, pursuant to a demand issued under subsection (a) of this section, shall be held in the custody of the Attorney General, or the Attorney General's designee, and shall not be available to the public. Such documentary material shall be returned to the person furnishing such documentary material, or, if such person furnishes such documentary material in an electronic format, erased, upon the termination of the Attorney General's investigation or final determination of any action or proceeding commenced thereunder.

(2) All documentary material or other information furnished voluntarily to the Attorney General, [his or her] the Attorney General's deputy or any assistant attorney general designated by the Attorney General, for suspected violations of the provisions of this chapter, and the identity of the person furnishing such documentary material or other information, shall be held in the custody of the Attorney General, or the Attorney General's designee, and shall not be available to the public. Such documentary material or other information shall be

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returned to the person furnishing such documentary material or other information, or, if such person furnishes such documentary material or other information in an electronic format, erased, upon the termination of the Attorney General's investigation or final determination of any action or proceeding commenced thereunder.

Sec. 3. Subsection (d) of section 4-61dd of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(d) The Attorney General may summon witnesses, require the production of any necessary books, papers or other documents and administer oaths to witnesses, where necessary, for the purpose of an investigation pursuant to this section or for the purpose of investigating a suspected violation of subsection (a) of section 4-275 until such time as the Attorney General files a civil action pursuant to section 4-276. Service of a subpoena ad testificandum, subpoena duces tecum and a notice of deposition, may be made by: (1) Personal service or service at the usual place of abode; or (2) registered or certified mail, return receipt requested, a duly executed copy thereof addressed to the person to be served at such person's principal place of business in this state, or, if such person has no principal place of business in this state, at such person's principal office or such person's residence. Upon the conclusion of the investigation, the Attorney General shall where necessary, report any findings to the Governor, or in matters involving criminal activity, to the Chief State's Attorney. In addition to the exempt records provision of section 1-210, the Auditors of Public Accounts and the Attorney General shall not, after receipt of any information from a person under the provisions of this section or sections 4-276 to 4-280, inclusive, disclose the identity of such person without such person's consent unless the Auditors of Public Accounts or the Attorney General determines that such disclosure is unavoidable, and may withhold records of such investigation, during the pendency of the investigation.

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All documentary material or other information furnished to the Attorney General, [his or her] the Attorney General's deputy or any assistant attorney general designated by the Attorney General, pursuant to a demand issued under this subsection for the purpose of investigating a suspected violation of subsection (a) of section 4-275, shall be returned to the person furnishing such documentary material or other information, or, if such person furnished such documentary material or other information in an electronic format, erased, upon the termination of the Attorney General's investigation or final determination of any action or proceeding commenced thereunder.

Sec. 4. Section 36a-701b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) For purposes of this section, (1) "breach of security" means unauthorized access to or unauthorized acquisition of electronic files, media, databases or computerized data, containing personal information when access to the personal information has not been secured by encryption or by any other method or technology that renders the personal information unreadable or unusable; and (2) "personal information" means an individual's (A) first name or first initial and last name in combination with any one, or more, of the following data: (i) Social Security number; (ii) taxpayer identification number; (iii) identity protection personal identification number issued by the Internal Revenue Service; (iv) driver's license number, state identification card number, passport number, military identification number or other identification number issued by the government that is commonly used to verify identity; (v) credit or debit card number; (vi) financial account number in combination with any required security code, access code or password that would permit access to such financial account; (vii) medical information regarding an individual's medical history, mental or physical condition, or medical treatment or diagnosis by a health care professional; (viii) health insurance policy

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number or subscriber identification number, or any unique identifier used by a health insurer to identify the individual; [or] (ix) biometric information consisting of data generated by electronic measurements of an individual's unique physical characteristics used to authenticate or ascertain the individual's identity, such as a fingerprint, voice print, retina or iris image; or (x) precise geolocation data, as defined in section 42-515; or (B) user name or electronic mail address, in combination with a password or security question and answer that would permit access to an online account. "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records or widely distributed media.

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

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

(A) The person who owns, licenses or maintains computerized data

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that includes personal information, shall, not later than the time when notice is provided to the resident, also provide notice of the breach of security to the Attorney General; and

(B) The person who owns or licenses computerized data that includes personal information, shall offer to each resident whose personal information under clause (i) or (ii) of subparagraph (A) of subdivision (2) of subsection (a) of this section was breached or is reasonably believed to have been breached, appropriate identity theft prevention services and, if applicable, identity theft mitigation services. Such service or services shall be provided at no cost to such resident for a period of not less than [twenty-four months] two years. Such person shall provide all information necessary for such resident to enroll in such service or services and shall include information on how such resident can place a credit freeze on such resident's credit file.

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

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

(e) Any notice to a resident, owner or licensee required by the provisions of this section may be provided by one of the following methods, subject to the provisions of subsection (f) of this section: (1)



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Written notice; (2) telephone notice; (3) electronic notice, provided such notice is consistent with the provisions regarding electronic records and signatures set forth in 15 USC 7001; (4) substitute notice, provided such person demonstrates in the notice provided to the Attorney General that the cost of providing notice in accordance with subdivision (1), (2) or (3) of this subsection would exceed two hundred fifty thousand dollars, that the affected class of subject persons to be notified exceeds five hundred thousand persons or that the person does not have sufficient contact information. Substitute notice shall consist of the following: (A) Electronic mail notice when the person has an electronic mail address for the affected persons; (B) conspicuous posting of the notice on the web site of the person if the person maintains one; and (C) notification to major state-wide media, including newspapers, radio and television.

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

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

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accesses the account.

(g) Any person that maintains such person's own security breach procedures as part of an information security policy for the treatment of personal information and otherwise complies with the timing requirements of this section, shall be deemed to be in compliance with the security breach notification requirements of this section, provided such person notifies, as applicable, residents of this state, owners and licensees in accordance with such person's policies in the event of a breach of security and in the case of notice to a resident, such person also notifies the Attorney General not later than the time when notice is provided to the resident. Any person that maintains such a security breach procedure pursuant to the rules, regulations, procedures or guidelines established by the primary or functional regulator, as defined in 15 USC 6809(2), shall be deemed to be in compliance with the security breach notification requirements of this section, provided (1) such person notifies, as applicable, such residents of this state, owners, and licensees required to be notified under and in accordance with the policies or the rules, regulations, procedures or guidelines established by the primary or functional regulator in the event of a breach of security, and (2) if notice is given to a resident of this state in accordance with subdivision (1) of this subsection regarding a breach of security, such person also notifies the Attorney General not later than the time when notice is provided to the resident.

(h) Any person that is subject to and in compliance with the privacy and security standards under the Health Insurance Portability and Accountability Act of 1996 and the Health Information Technology for Economic and Clinical Health Act ("HITECH") shall be deemed to be in compliance with this section, provided that (1) any person required to provide notification to Connecticut residents pursuant to HITECH shall also provide notice to the Attorney General not later than the time when notice is provided to such residents if notification to the Attorney

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General would otherwise be required under subparagraph (A) of subdivision (2) of subsection (b) of this section, and (2) the person otherwise complies with the requirements of subparagraph (B) of subdivision (2) of subsection (b) of this section.

(i) All documents, materials and information provided in response to an investigative demand issued pursuant to subsection (c) of section 42-110d, as amended by this act, in connection with the investigation of a breach of security as defined by this section shall be exempt from public disclosure under subsection (a) of section 1-210, provided the Attorney General may make such documents, materials or information available to third parties in furtherance of such investigation.

(j) Failure to comply with the requirements of this section shall constitute an unfair trade practice for purposes of section 42-110b and shall be enforced by the Attorney General.

(k) Any civil penalties collected for failure to comply with the requirements of this section may be deposited into the privacy protection guaranty and enforcement account established pursuant to section 42-472a.

Sec. 5. Subsections (d) to (h), inclusive, of section 42-471 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(d) [For] (1) Except as provided in subdivision (2) of this subsection, for persons who hold a license, registration or certificate issued by, or a charter subject to the supervision of, a state agency other than the Department of Consumer Protection, this section shall be enforceable only by such other state agency pursuant to such other state agency's existing statutory and regulatory authority.

(2) The provisions of subdivision (1) of this subsection shall not apply to actions undertaken by the Attorney General.

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(e) Any person or entity that violates the provisions of this section shall be subject to a civil penalty of five hundred dollars for each violation, provided such civil penalty shall not exceed five hundred thousand dollars for any single event. It shall not be a violation of this section if such violation was unintentional. A violation of this section shall constitute an unfair trade practice under subsection (a) of section 42-110b, provided the provisions of section 42-110g shall not apply to such violation. Nothing in this section shall be construed to create a private right of action.

(f) The provisions of this section shall not apply to any agency or political subdivision of the state.

(g) If a financial institution has adopted safeguards that comply with the standards established pursuant to Section 501(b) of the Gramm-Leach-Bliley Act of 1999, 15 USC 6801, then such compliance shall constitute compliance with the provisions of this section.

(h) Any civil penalties received pursuant to this section [shall] may be deposited into the privacy protection guaranty and enforcement account established pursuant to section 42-472a.

Sec. 6. Subsection (a) of section 42-520 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) A controller shall: (1) Limit the collection of personal data to what is adequate, relevant and reasonably necessary in relation to the purposes for which such data is processed, as disclosed to the consumer; (2) except as otherwise provided in sections 42-515 to 42-525, inclusive, not process personal data for purposes that are neither reasonably necessary to, nor compatible with, the disclosed purposes for which such personal data is processed, as disclosed to the consumer, unless the controller obtains the consumer's consent; (3) establish, implement and

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maintain reasonable administrative, technical and physical data security practices to protect the confidentiality, integrity and accessibility of personal data appropriate to the volume and nature of the personal data at issue; (4) not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of sensitive data concerning a known child, without processing such data in accordance with COPPA; (5) not process personal data in violation of the laws of this state and federal laws that prohibit unlawful discrimination against consumers; (6) provide an effective mechanism for a consumer to revoke the consumer's consent under this section that is at least as easy as the mechanism by which the consumer provided the consumer's consent and, upon revocation of such consent, cease to process the data as soon as practicable, but not later than fifteen days after the receipt of such request; and (7) not process the personal data of a consumer for purposes of targeted advertising, or sell the consumer's personal data without the consumer's consent, under circumstances where a controller has actual knowledge, [and] or wilfully disregards, that the consumer is at least thirteen years of age but younger than sixteen years of age. A controller shall not discriminate against a consumer for exercising any of the consumer rights contained in sections 42-515 to 42-525, inclusive, including denying goods or services, charging different prices or rates for goods or services or providing a different level of quality of goods or services to the consumer.

Sec. 7. Section 53-289a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) As used in this section, "service charge" means any additional fee or charge that is designated as an "administrative fee", "service fee" or "surcharge" or by using another substantially similar term.

(b) No person shall advertise the prices of tickets to any entertainment event, including, but not limited to, any place of

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amusement, arena, stadium, theater, performance, sport, exhibition or athletic contest given in this state for which a service charge is imposed for the sale of a ticket at the site of the event, without conspicuously disclosing in such advertisement, whether displayed at the site of the event or elsewhere, the total price for each ticket and what portion of each ticket price, stated in a dollar amount, represents a service charge.

(c) If a price is charged for admission to a place of entertainment, the operator of the place of entertainment shall print, endorse or otherwise disclose on the face of each ticket to an entertainment event at such place of entertainment (1) the price established for such ticket, or (2) if such operator, or such operator's agent, sells or resells such ticket, including at auction, the final price of such ticket.

(d) (1) Any person that facilitates the sale or resale of a ticket to an entertainment event shall (A) disclose the total price of such ticket, which total price shall include all service charges required to purchase such ticket, and (B) disclose, in a clear and conspicuous manner, to the purchaser of such ticket the portion of the total ticket price, expressed as a dollar amount, that is attributable to service charges charged to such purchaser for such ticket.

(2) The disclosures required under subdivision (1) of this subsection shall be displayed in the ticket listing before the ticket is selected for purchase. The total ticket price shall not increase during the period beginning when a ticket is selected for purchase and ending when a ticket is purchased, except a reasonable service charge may be charged for delivery of a nonelectronic ticket if (A) such service charge is based on the delivery method selected by the ticket purchaser, and (B) such service charge is disclosed to such purchaser before such purchaser purchases such ticket.

(3) No disclosure required under this subsection shall be (A) false or misleading, (B) presented more prominently than the total ticket price,

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or (C) displayed in a font size that is as large or larger than the font size in which the total ticket price is displayed.

Sec. 8. Section 42-284 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

As used in this section, sections [42-284] 42-285 to [42-288] 42-288b, inclusive, as amended by this act, and section 9 of this act:

(1) "Automated dialing system" means a device that (A) automatically dials a telephone number, or (B) makes a connection to an end user by means of an automated system that is used to dial a telephone number and transmit a voice communication;

(2) "Caller identification service or device" means any telephone service or device which permits a consumer to view the telephone number, caller name or caller location for an incoming telephonic sales call;

(3) "Commissioner" means the Commissioner of Consumer Protection;

[(1)] (4) "Consumer" means an actual or prospective purchaser, lessee or recipient of goods or services;

(5) "Consumer goods or services" means articles or services that are purchased, leased, exchanged or received primarily for personal, family or household purposes, and includes, but is not limited to, warranties, gift cards, stocks, bonds, mutual funds, annuities and other financial products;

(6) "Department" means the Department of Consumer Protection;

(7) "Doing business in this state" includes, but is not limited to, conducting one or more telephonic sales calls (A) from a location in this state, (B) from a location outside of this state to resident consumers, or

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(C) made to a resident consumer or to a telephone number with a Connecticut area code;

(8) "Established business relationship" means an existing relationship that is formed by a voluntary two-way communication between a consumer or entity and a business, with or without an exchange of consideration, on the basis of an application, purchase or transaction regarding property, goods or services offered by the business or entity, which relationship has not been previously terminated by either party;

(9) "Marketing or sales solicitation" means the initiation of a communication, including, but not limited to, a communication made using a telephone call or message, an automated dialing system, a recorded message device, a call using soundboard technology, an over-the-top message or a text or media message, to encourage the purchase or rental of, or investment in, property, goods, services or anything of value that is transmitted to any resident consumer or a telephone number with a Connecticut area code, but does not include the initiation of any such communication (A) to any resident consumer with such resident consumer's prior express written consent if an advance, clear, conspicuous and detailed written disclosure of the scope of such consent was provided to such resident consumer, (B) to any resident consumer in response to a visit made by such resident consumer to an establishment selling, leasing or exchanging consumer goods or services at a fixed location, or (C) to any resident consumer with whom the telemarketer has an established business relationship;

(10) "National Do Not Call Registry" means the registry maintained by the Federal Trade Commission pursuant to 15 USC 6102(a), 16 CFR 310 and 47 CFR 64.1200, as amended from time to time;

(11) "Over-the-top message" means a text-based communication on a platform that uses existing Internet services to deliver messages;



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[(2)] (12) "Person" means [a natural person] an individual, corporation, nonprofit corporation, trust, partnership, limited partnership, incorporated or unincorporated association, limited liability company and any other legal entity; [and]

(13) "Personally identifying information" means an individual's (A) date of birth, (B) mother's maiden name, (C) motor vehicle operator's license number, (D) Social Security number, (E) health insurance identification number, (F) financial account number, (G) security code or personal identification number, or (H) government-issued identification number that is not otherwise made directly available to the public;

(14) "Prior express written consent" means a written agreement that (A) discloses (i) the means by which the telemarketer will call or contact the consumer, including, but not limited to, a telephone system, an automated dialing system, a recorded message device, soundboard technology, over-the-top messaging or text or media messaging, and (ii) the telephone number to which the consumer authorizes the telemarketer to deliver, or cause to be delivered, advertisements or telemarketing messages, (B) clearly and conspicuously authorizes the telemarketer to deliver, or cause to be delivered, to the consumer advertisements or telemarketing messages by way of the means (i) described in subparagraph (A)(i) of this subdivision, and (ii) disclosed in such written agreement, and (C) bears the signature of the consumer;

(15) "Resident consumer" means a consumer who is a resident of this state;

(16) "Soundboard technology" means a technology that allows an individual to communicate with a call recipient in real-time by playing a recorded audio message instead of using the individual's voice;

[(3)] (17) "Telemarketer" means any person, [who] or any affiliate or

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subsidiary of any person, doing business in this state that makes, or causes to be made, a telephonic sales call, initiates the sale, lease or rental of consumer goods or services, or offers gifts or prizes with the intent to sell, lease or rent consumer goods by: (A) Telephonic means; [or] (B) use of television, radio or printed advertisement, postcard or other written notice with requests that the resident consumer contact the seller by telephone to inquire about goods or services and such advertisement, postcard or notice does not contain the price or a description of the goods or services; (C) automated dialing system; (D) recorded message device; (E) soundboard technology; (F) over-the-top message; or (G) text or media message;

(18) "Telephonic sales call" (A) means a telephone call made to a resident consumer or a telephone number with a Connecticut area code by or on behalf of a telemarketer, including, but not limited to, a telephone call made by way of a live voice, an automated dialing system, a recorded message device, soundboard technology, over-the-top messaging or text or media messaging, for the purpose of (i) engaging in a marketing or sales solicitation, (ii) soliciting an extension of credit for consumer goods or services, (iii) obtaining information that will or may be used for a marketing or sales solicitation or an exchange or extension of credit for consumer goods or services, (iv) encouraging such resident consumer to share any personally identifying information or purchase or invest in any property, goods, services or other thing of value if such resident consumer did not previously express any interest in sharing such personally identifying information or purchasing or investing in such property, goods, services or other thing of value, or (v) soliciting such resident consumer to donate any money, property, goods, services or other thing of value if such resident consumer did not previously express any interest in donating such money, property, goods, services or other thing of value, and (B) does not include a telephone call or message described in subparagraph (A) of this subdivision if (i) such call is made or message is sent in response to a

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request or inquiry made by a resident consumer, including a call or message concerning an item that such resident consumer purchased from the telemarketer during the twelve-month period preceding such call or message, (ii) such call is made or message is sent by a nonprofit organization to a consumer who is on a list of bona fide or active members of such nonprofit organization, (iii) such call or message is limited to polling or soliciting votes or the expression of an idea or opinion, (iv) such call is made or message is sent as part of a business-to-business contact, (v) such call is made or message is sent to a resident consumer who granted prior express written consent to receiving such call or message, (vi) such call is made or message is sent primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call or message, (vii) such call is made or message is sent to an existing customer of a telemarketer unless such customer previously informed the telemarketer, orally or in writing, that such customer no longer wishes to receive such calls or messages from such telemarketer, or (viii) such call is made or message is sent for a religious, charitable, political or other noncommercial purpose;

(19) "Text or media message" (A) means a message that consists of text or any image, sound or other information that is transmitted by or to a device that is identified as the device that sent or received such text, image, sound or information by using a ten-digit telephone number or N11 service code, (B) includes a short message and multimedia message service that contains written, audio, video or photographic content and is sent electronically to a mobile telephone or mobile electronic device telephone number, and (C) does not include electronic mail sent to an electronic mail address; and

(20) "Voice communication" (A) means a communication that is made by an individual, in whole or in part, by using an artificial message, a prerecorded message or a live voice, (B) includes, but is not limited to,

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a voice message transmitted directly to a recipient's voicemail regardless of whether the recipient's phone rings as part of the transmission, and (C) does not include an automated warning required by law.

Sec. 9. (NEW) (*Effective October 1, 2023*) (a) As used in this section, "terminating provider" means a telecommunications provider upon whose network a voice communication terminates to a call recipient or end user.

(b) (1) Except as provided in subdivision (2) of this subsection, no person, including, but not limited to, a telemarketer, shall provide substantial assistance or support to the initiator of a voice communication or telephonic sales call that enables the initiator to initiate, originate, route or transmit the voice communication or telephonic sales call if such person knows, or avoids knowing, that such initiator is engaged, or intends to engage, in fraud or any practice that violates any provision of this section, sections 42-284 to 42-288b, inclusive, of the general statutes, as amended by this act, or chapter 735a of the general statutes.

(2) No provision of subdivision (1) of this subsection shall be construed to prohibit:

(A) Any person from designing, manufacturing or distributing any component, product or technology that has a commercially significant use other than circumventing or violating the provisions of this section;

(B) Any telecommunications provider or other entity from providing access to the Internet for the purpose of excluding initiation of a voice communication or text message; or

(C) Any terminating provider from taking any action concerning completion of a voice communication.

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(c) There shall be a rebuttable presumption that a voice communication or telephonic sales call made, or any attempt to make a voice communication or telephonic sales call, in violation of subsection (b) of this section has taken place in this state if such voice communication or telephonic sales call is made to any telephone number with a Connecticut area code or any person residing in this state.

(d) A violation of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b of the general statutes. In addition to any penalty imposed under chapter 735a of the general statutes, any person who violates any provision of this section shall be fined not more than twenty thousand dollars for each such violation.

Sec. 10. Subsection (b) of section 42-285 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(b) The contract shall include, but shall not be limited to, the following information:

(1) The legal name, address, [and] telephone number, [of the telemarketer] headquarters address and home state or country for entity registration purposes of the telemarketer or, if the telemarketer is not the seller, the seller;

(2) A list of all prices or fees being charged including any handling, shipping, delivery or other charges;

(3) The date of the transaction;

(4) A detailed description of the goods or services being sold, leased or rented; and

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(5) In ten-point boldface type, in a space immediately preceding the space allotted for the consumer's signature, the following statement: "YOU ARE NOT OBLIGATED TO PAY ANY MONEY UNLESS YOU SIGN THIS CONTRACT AND RETURN IT TO THE ADDRESS CONTAINED IN THIS CONTRACT".

Sec. 11. Section 42-286 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) A telemarketer shall not accept payment in any form from a consumer, or make or submit any charge to the consumer's credit card, charge card, debit card or electronic payment platform account, unless the telemarketer has received from the consumer a contract, signed by the consumer, which complies with section 42-285, as amended by this act.

(b) In the event that the consumer sends payment to the telemarketer, or the telemarketer makes or submits a charge to the consumer's account, including, but not limited to, a credit card, charge card, debit card or electronic payment platform account, and the telemarketer has not received a signed contract from the consumer which complies with section 42-285, as amended by this act, the telemarketer shall immediately and fully refund the consumer's payment or immediately and fully credit the consumer's [credit card] account.

Sec. 12. Section 42-288 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) For the purposes of sections 42-284 to 42-287, inclusive, as amended by this act, any transaction which occurs between a telemarketer and a consumer shall be considered to have taken place in this state if [either] (1) the telemarketer [or] is (A) a resident of this state, or (B) a business entity that is registered, or required by law to be registered, with the Secretary of the State to do business in this state, (2)

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the consumer is [domiciled in this state] a resident consumer, or (3) the telemarketer contacted the consumer using a telephone number with a Connecticut area code.

(b) Violation of any provision of sections 42-284 to 42-287, inclusive, as amended by this act, shall be an unfair or deceptive act or practice in violation of subsection (a) of section 42-110b.

(c) There shall be a rebuttable presumption that a telephonic sales call made to a resident consumer or to a telephone number with a Connecticut area code has taken place in this state.

Sec. 13. Section 42-288a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

[(a) As used in this section and section 42-288b:

(1) "Commissioner" means the Commissioner of Consumer Protection;

(2) "Consumer" means any individual who is a resident of this state and a prospective recipient of consumer goods or services;

(3) "Consumer goods or services" means any article or service that is purchased, leased, exchanged or received primarily for personal, family or household purposes, and includes, but is not limited to, stocks, bonds, mutual funds, annuities and other financial products;

(4) "Department" means the Department of Consumer Protection;

(5) "Doing business in this state" means conducting telephonic sales calls (A) from a location in this state, or (B) from a location outside of this state to consumers residing in this state;

(6) "Prior express written consent" has the meaning provided in 47 CFR 64.1200, as amended from time to time;

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(7) "Marketing or sales solicitation" means the initiation of a telephone call or message, including, but not limited to, a text or media message, to encourage the purchase or rental of, or investment in, property, goods or services, that is transmitted to any consumer, but does not include a telephone call or message, including, but not limited to, a text or media message (A) to any consumer with such consumer's prior express written consent, (B) by a tax-exempt nonprofit organization, or (C) to a consumer in response to a visit made by such consumer to an establishment selling, leasing or exchanging consumer goods or services at a fixed location;

(8) "Telephonic sales call" means a telephone call made by a telephone solicitor, or a text or media message sent by or on behalf of a telephone solicitor, to a consumer for the purpose of (A) engaging in a marketing or sales solicitation, (B) soliciting an extension of credit for consumer goods or services, or (C) obtaining information that will or may be used for marketing or sales solicitation or exchange of or extension of credit for consumer goods or services;

(9) "Telephone solicitor" means any individual, association, corporation, partnership, limited partnership, limited liability company or other business entity, or a subsidiary or affiliate thereof, doing business in this state that makes or causes to be made a telephonic sales call, including, but not limited to, sending or causing to be sent a text or media message to a consumer's mobile telephone or mobile electronic device;

(10) "Text or media message" means a message that contains written, audio, video or photographic content and is sent electronically to a mobile telephone or mobile electronic device telephone number, but does not include electronic mail sent to an electronic mail address;

(11) "Unsolicited telephonic sales call" means any telephonic sales call other than a telephonic sales call made: (A) Pursuant to the prior express



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written consent of the consumer who is called or sent a text or media message; (B) primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of the telephonic sales call; or (C) to an existing customer, unless such customer has stated to the telephone solicitor that such customer no longer wishes to receive the telephonic sales calls of such telephone solicitor; and

(12) "Caller identification service or device" means any telephone service or device which permits a consumer to see the telephone number of incoming telephone calls or text or media messages.]

[(b)] (a) The department shall establish and maintain a "no sales solicitation calls" listing of consumers who do not wish to receive [unsolicited] telephonic sales calls. Such listing shall be identical to the National Do Not Call Registry. The department may contract with a private vendor to establish and maintain such listing, provided (1) the private vendor has maintained national "no sales solicitation calls" listings for more than two years, and (2) the contract requires the vendor to provide the "no sales solicitation calls" listing in a printed hard copy format and in any other format offered at a cost that does not exceed the production cost of the format offered. The department shall provide notice to consumers of the establishment of a "no sales solicitation calls" listing. Any consumer who wishes to be included on such listing shall notify the department by calling a toll-free number provided by the department, or in any other such manner and at such times as the commissioner may prescribe. A consumer on such listing shall be deleted from such listing upon the consumer's written request. The department shall update such listing not less than quarterly and shall make such listing available to [telephone solicitors] telemarketers and other persons upon request.

[(c) No telephone solicitor may make or cause to be made any unsolicited telephonic sales call to any consumer (1) if the consumer's

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name and telephone number or numbers appear on the then current quarterly "no sales solicitation calls" listing made available by the department under subsection (b) of this section, unless (A) such call was made by a telephone solicitor that first began doing business in this state on or after January 1, 2000, (B) a period of less than one year has passed since such telephone solicitor first began doing business in this state, and (C) the consumer to whom such call was made had not on a previous occasion stated to such telephone solicitor that such consumer no longer wishes to receive the telephonic sales calls of such telephone solicitor, (2) for telephone calls, to be received between the hours of nine o'clock p.m. and nine o'clock a.m., local time, at the consumer's location or, for text or media messages, to be received on the consumer's mobile telephone or mobile electronic device at any time, (3) in the form of electronically transmitted facsimiles, or (4) by use of a recorded message device.]

(b) Any violation of the provisions of 47 USC 227, 16 CFR 310 or 47 CFR 64.1200, as amended from time to time, which provide that a telemarketer shall not call a consumer whose name and telephone number appear on the National Do Not Call Registry or who has specifically requested not to receive calls from a particular entity, shall constitute a violation of sections 42-284 to 42-288b, inclusive, as amended by this act.

(c) A telephonic sales call that is made to any consumer residential, mobile or telephonic paging device telephone number that is not otherwise prohibited by this section shall be limited to being conducted between the hours of nine o'clock a.m. and eight o'clock p.m. local time.

(d) Any person, including, but not limited to, any telemarketer, making a telephonic sales call to a consumer's residential, mobile or telephonic paging device telephone number that is not otherwise prohibited by this section shall disclose such person's identity, the purpose of such telephonic sales call and the identity of the entity for

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which such person is making such telephonic sales call, if any, not later than ten seconds after such telephonic sales call begins.

(e) Any person, including, but not limited to, any telemarketer, making a telephonic sales call shall, at the beginning of such telephonic sales call, ask the consumer whether such consumer wishes to continue such telephonic sales call, end such telephonic sales call or be removed from such person's list.

(f) Any person, including, but not limited to, any telemarketer, shall end a telephonic sales call not later than ten seconds after the consumer states or otherwise indicates that such consumer wishes to end such telephonic sales call.

(g) If a consumer informs a person, including, but not limited to, a telemarketer, at any point during a telephonic sales call that the consumer does not wish to receive future telephonic sales calls or wishes to be removed from such person's list, such person shall: (1) Inform such consumer that such consumer's contact information will be removed from such list; (2) end such telephonic sales call not later than ten seconds after such consumer expresses such wish; (3) refrain from making any additional telephonic sales calls to such consumer at any telephone number associated with such consumer; and (4) not give or sell such consumer's name, telephone number, other contact information or personally identifying information to any other entity, or receive anything of value from any other entity in exchange for such consumer's name, telephone number, other contact information or personally identifying information.

[(d)] (h) No [telephone solicitor] telemarketer may [intentionally] cause to be installed or [may intentionally] use any blocking device or service to circumvent a consumer's use of a caller identification service or device. No [telephone solicitor] telemarketer may intentionally transmit inaccurate or misleading caller identification information.

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[(e)] (i) (1) Any person who obtains the name, residential address or telephone number of any consumer from published telephone directories or from any other source and republishes or compiles such information, electronically or otherwise, and sells or offers to sell such publication or compilation to [telephone solicitors] telemarketers for marketing or sales solicitation purposes, shall exclude from any such publication or compilation, and from the database used to prepare such publication or compilation, the name, address and telephone number or numbers of any consumer if the consumer's name and telephone number or numbers appear [in the then current quarterly "no sales solicitation calls" listing made available by the department under subsection (b) of this section] on the National Do Not Call Registry.

(2) This subsection does not apply to (A) any telephone company, as defined in section 16-1, for the sole purpose of compiling, publishing or distributing telephone directories or causing the compilation, publication or distribution of telephone directories or providing directory assistance, and (B) any person, for the sole purpose of compiling, publishing or distributing telephone directories for such telephone company pursuant to an agreement or other arrangement with such telephone company.

[(f)] (j) The commissioner may adopt regulations, in accordance with chapter 54, to carry out the provisions of this section. Such regulations may include, but shall not be limited to, provisions governing the availability and distribution of the listing established under subsection [(b)] (a) of this section and notice requirements for consumers wishing to be included on the listing established under subsection [(b)] (a) of this section consistent with information on the National Do Not Call Registry.

[(g)] (k) A violation of any of the provisions of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b. [, except that no telephone solicitor may be liable under

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this section for a call made in violation of subdivision (1) of subsection (c) of this section if such telephone solicitor demonstrates that: (1) Such telephone solicitor established and implemented written procedures and trained its employees to follow such procedures to comply with subdivision (1) of subsection (c) of this section; (2) such telephone solicitor deleted from its call list any listing of a consumer on the then current quarterly "no sales solicitation calls" listing maintained pursuant to subsection (b) of this section; and (3) such call was made inadvertently.]

[(h)] (l) No [telephone solicitor] telemarketer may make, or cause to be made, [an unsolicited, automatically dialed, recorded] a telephonic sales call to a consumer without such consumer's prior express written consent.

[(i) In addition to the requirements of subsections (b) to (h), inclusive, of this section, if a consumer's mobile telephone or mobile electronic device telephone number does not appear on the then current quarterly "no sales solicitation calls" listing made available by the department under subsection (b) of this section, no telephone solicitor may send or cause to be sent a text or media message to such number for the purpose of marketing or sales solicitation of consumer goods, unless such telephone solicitor has received the prior express written consent of the consumer to receive such text or media message.]

(m) In addition to the requirements established in subsections (a) to (l), inclusive, of this section, if a consumer's mobile telephone or mobile electronic device telephone number does not appear on the then current quarterly "no sales solicitation calls" listing made available by the department pursuant to subsection (a) of this section, no telemarketer may make, or cause to be made, a call for the purpose of marketing, selling or soliciting sales of consumer goods unless the telemarketer has received prior express written consent from the consumer to receive such call.

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[(j)] (n) Notwithstanding the provisions of subsections [(c) and] (b) to (i), inclusive, of this section, a telecommunications company [, as defined in section 16-1, may send a text or media message] may make a telephonic sales call to an existing customer, provided [:] (1) [Such] such telecommunications company does not charge [the] such customer, [a fee for such text or media message,] and (2) such [text or media message is] telephonic sales call is made primarily in connection with (A) an existing debt, payment of which has not been completed at the time [the text or media message is sent] such telephonic sales call is made, (B) an existing contract between the telecommunications company and [the] such customer, (C) a wireless emergency alert authorized by federal law, or (D) a prior request for customer service that was initiated by [the] such customer.

[(k)] (o) In addition to any penalty imposed under chapter 735a, any [telephone solicitor] person, including, but not limited to, any telemarketer, who is liable under the provisions of subsections [(g) to (i)] (a) to (n), inclusive, of this section [,] shall be fined not more than twenty thousand dollars for each violation.

Sec. 14. Section 42-288b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

Each telephone and telecommunications company, as defined in section 16-1, that issues an account statement to a consumer with respect to service for a telephone, mobile telephone or mobile electronic device shall, not less than two times per year, include on or with such statement a conspicuous notice, informing the consumer with respect to: (1) The prohibitions placed on [telephone solicitors] telemarketers pursuant to section 42-288a, as amended by this act, (2) how to place the consumer's telephone number, mobile telephone number or mobile electronic device telephone number on the "no sales solicitation calls" listing established pursuant to subsection [(b)] (a) of section 42-288a, as amended by this act, and (3) how to obtain a "no sales solicitation

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complaint" form on the Department of Consumer Protection's Internet web site.

Sec. 15. Subsections (c) to (k), inclusive, of section 21a-190f of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) [No] Not less than [twenty days] one business day prior to the commencement of each solicitation campaign, a paid solicitor shall file with the department a copy of the contract described in subsection (d) of this section and shall complete a solicitation notice in a form prescribed by the commissioner. A solicitation notice shall be certified by the paid solicitor as true and correct to the best of the solicitor's knowledge and shall include a description of the solicitation event or campaign, the location and telephone number from which the solicitation is to be conducted, the names and residence addresses of all employees, agents or other persons however styled who are to solicit during such campaign and the account number and location of all bank accounts where receipts from such campaign are to be deposited. [Copies of campaign solicitation literature, including the text of any solicitation to be made orally, shall be submitted to the department.] The charitable organization on whose behalf the paid solicitor is acting shall certify that the solicitation notice and accompanying material are true and complete. [Prior to the commencement of such solicitation campaign, the commissioner shall publicize such solicitation by posting on the department's web site information describing the terms of the contract between the paid solicitor and the charitable organization, the dates of such solicitation campaign and the percentage of the raised funds to be retained by the paid solicitor. The commissioner may publicize such solicitation through any additional means the commissioner deems appropriate.]

(d) A contract between a paid solicitor and a charitable organization shall be in writing, shall clearly state the respective obligations of the

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paid solicitor and the charitable organization and shall state the minimum amount that the charitable organization shall receive as a result of the solicitation campaign, which minimum amount shall be stated as a percentage of the gross revenue. Such minimum amount shall not include any amount that the charitable organization is to pay as expenses of the solicitation campaign.

(e) A paid solicitor shall, prior to orally requesting a contribution, and at the same time at which a written request for a contribution is made, clearly and conspicuously disclose at the point of solicitation such solicitor's name as on file with the department [,] and the fact that such solicitor is a paid solicitor. [and the percentage of the gross revenue which the charitable organization shall receive as identified in subsection (d) of this section.]

(f) A paid solicitor shall, in the case of a solicitation campaign conducted orally, whether by telephone or otherwise, send a written confirmation to each person who has pledged to contribute, no more than five days after such person has been solicited, which confirmation shall include a clear and conspicuous disclosure of the information required by subsection (e) of this section.

(g) A paid solicitor shall not represent that any part of the contributions received will be given or donated to any charitable organization unless such organization has consented in writing to the use of its name, prior to the solicitation. Such written consent, if given, shall be signed by two authorized officers, directors or trustees of the charitable organization.

(h) No paid solicitor may represent that tickets to an event are to be donated for use by another, unless the paid solicitor has first obtained a commitment, in writing, from a charitable organization stating that it will accept donated tickets and specifying the number of tickets which it is willing to accept and provided no more contributions for donated



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tickets shall be solicited than the number of ticket commitments received from the charitable organization.

(i) A paid solicitor shall require any person such solicitor directly or indirectly employs, procures or engages to solicit to comply with the provisions of subsections (e) to (h), inclusive, of this section.

(j) A paid solicitor shall file a financial report for the campaign with the department no more than ninety days after a solicitation campaign has been completed, and on the anniversary of the commencement of any solicitation campaign which lasts more than one year, in a form prescribed by the commissioner. The financial report shall include gross revenue and an itemization of all expenditures incurred. The report shall be completed on a form prescribed by the department. An authorized official of the paid solicitor and two authorized officials of the charitable organization shall certify that such report is true and complete to the best of their knowledge. The information contained in such report shall be available to the public.

(k) A paid solicitor shall maintain during each solicitation campaign and for not less than three years after the completion of each such campaign the following records; [, which shall be available to the department for inspection upon request:] (1) The name and address of each contributor, if known to the paid solicitor, and the date and amount of the contribution; [, provided the department shall not disclose this information except to the extent necessary for investigative or law enforcement purposes;] (2) the name and residence of each employee, agent or other person involved in the solicitation; and (3) records of all income received and expenses incurred in the course of the solicitation campaign. The paid solicitor shall make the records required under subdivisions (2) and (3) of this subsection, as well as records containing the dates and amounts described in subdivision (1) of this subsection, available to the department for inspection upon request.

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Sec. 16. Subsection (b) of section 21a-190c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) [A] (1) For a financial statement that is initially due on or before July 1, 2023, a charitable organization with gross revenue in excess of five hundred thousand dollars in the year covered by the report shall include with [its] the charitable organization's financial statement an audit report of a certified public accountant.

(2) For a financial statement that is initially due after July 1, 2023, a charitable organization shall include with the charitable organization's financial statement (A) an attestation that an audit report has been completed by a certified public accountant if the charitable organization had gross revenue in excess of one million dollars in the year covered by such report, or (B) an attestation that an audit or review report has been completed by a certified public accountant if the charitable organization had gross revenue in excess of five hundred thousand dollars but not more than one million dollars in the year covered by such report.

(3) For the purposes of this [section] subsection, gross revenue shall not include grants or fees from government agencies or the revenue derived from funds held in trust for the benefit of the organization.

(4) The commissioner may, upon written request and for good cause shown, waive the audit or review report requirement under this subsection.

Sec. 17. Subsection (a) of section 21a-190b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Every charitable organization not exempted by section 21a-190d shall annually register with the department prior to conducting any

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solicitation or prior to having any solicitation conducted on its behalf by others. Application for registration shall be in a form prescribed by the commissioner and shall include a nonrefundable application fee of fifty dollars. Such application shall include: (1) A registration statement, (2) an annual financial report for such organization for the preceding fiscal year that is prepared in accordance with the provisions of subsection (a) of section 21a-190c, and (3) an audited or reviewed financial statement as required by subsection (b) of section 21a-190c, as amended by this act. An authorized officer of the organization shall certify that the statements therein are true and correct to the best of their knowledge. A chapter, branch or affiliate in this state of a registered parent organization shall not be required to register provided the parent organization files a consolidated annual registration for itself and its chapter, branch or affiliate. Each charitable organization shall annually renew its registration not later than eleven months after the end of such organization's fiscal year.

Sec. 18. Section 16-333m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

(a) No charge may be imposed by any [such company] community antenna television company or certified competitive video service provider in any case where a subscriber of such company or provider, as applicable, requests a total disconnection of service. [No charge that exceeds the cost to the company may be imposed by any such company in any case in which the subscriber requests a downgrade of service. The]

(b) No company or provider may charge a subscriber for any service after the date that such subscriber [, after the date of his request for] requests disconnection, [or] downgrade [, shall not be required to pay for any service] or cancellation of such service, unless, in the case of a total disconnection or any service option requested to be eliminated,

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[unless] the subscriber prevents the company or provider from disconnecting service within a reasonable time. If the subscriber makes such request before the last day of the monthly billing period for such service, such company or provider, as applicable, shall grant the subscriber a pro rata rebate for all days of the monthly billing period after such disconnection, downgrade or cancellation.

Sec. 19. Section 16-47 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) As used in this section and section 16-47a, (1) "holding company" means any corporation, association, partnership, trust or similar organization, or person which, either alone or in conjunction and pursuant to an arrangement or understanding with one or more other corporations, associations, partnerships, trusts or similar organizations, or persons, directly or indirectly, controls a gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, and (2) "control" means the possession of the power to direct or cause the direction of the management and policies of a gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, or a holding company, whether through the ownership of its voting securities, the ability to effect a change in the composition of its board of directors or otherwise, provided, control shall not be deemed to arise solely from a revocable proxy or consent given to a person in response to a public proxy or consent solicitation

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made pursuant to and in accordance with the applicable rules and regulations of the Securities Exchange Act of 1934 unless a participant in said solicitation has announced an intention to effect a merger or consolidation with, reorganization, or other business combination or extraordinary transaction involving the gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, or the holding company. Control shall be presumed to exist if a person directly or indirectly owns ten per cent or more of the voting securities of a gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, or a holding company, provided the authority may determine, after conducting a hearing, that said presumption of control has been rebutted by a showing that such ownership does not in fact confer control.

(b) No gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, or holding company, or any official, board or commission purporting to act under any governmental authority other than that of this state or of its divisions, municipal corporations or courts, shall interfere or attempt to interfere with or, directly or indirectly, exercise or attempt to exercise authority or control over any gas company, electric distribution company, water company, telephone

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[or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, engaged in the business of supplying service within this state, or with or over any holding company doing the principal part of its business within this state, without first making written application to and obtaining the approval of the Public Utilities Regulatory Authority, except as the United States may properly regulate actual transactions in interstate commerce.

(c) No corporation, association, partnership, trust or similar organization, or person shall take any action that causes it to become a holding company with control over a gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, engaged in the business of supplying service within this state, or acquire, directly or indirectly, control over such a holding company, or take any action that would if successful cause it to become or to acquire control over such a holding company, without first making written application to and obtaining the approval of the authority. Any such corporation, association, partnership, trust or similar organization, or person applying to the authority for such approval shall pay the reasonable expenses incurred by the authority in carrying out its duties under this subsection, and accordingly, shall deposit with the authority a bond, executed by a surety company authorized to do business in this state, in the amount of fifty thousand dollars, conditioned to indemnify the authority for such expenses.

(d) The Public Utilities Regulatory Authority shall investigate and

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hold a public hearing on the question of granting its approval with respect to any application made under subsection (b) or (c) of this section and thereafter may approve or disapprove any such application in whole or in part and upon such terms and conditions as it deems necessary or appropriate. In connection with its investigation, the authority may request the views of the gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, or holding company which is the subject of the application with respect to the proposed acquisition. After the filing of an application satisfying the requirements of such regulations as the authority may adopt in accordance with the provisions of chapter 54, but not later than thirty business days after the filing of such application, the authority shall give prompt notice of the public hearing to the person required to file the application and to the subject company, certificate holder, provider, or holding company. Such hearing shall be commenced as promptly as practicable after the filing of the application, but not later than sixty business days after the filing. [, and the] The authority shall make its determination as soon as practicable, but not later than two hundred days after the filing of the application, [provided it may] except for applications filed by community antenna television companies, holders of a certificate of cable franchise authority pursuant to section 16-331p or certified competitive video service providers, which shall be determined not later than one hundred twenty days after filing, unless the person required to file the application agrees to an extension of time or the authority extends the time as provided in this subsection. The authority may extend the time period for making its determination by not more than thirty days if, before the end of such time period, [and upon notifying] the authority notifies all parties and intervenors to the proceedings [, extend the period by thirty days, or

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unless the person required to file the application agrees to an extension of time] of such extension. The authority may, in its discretion, grant the subject company, certificate holder, provider or holding company the opportunity to participate in the hearing by presenting evidence and oral and written argument. If the authority fails to give notice of its determination to hold a hearing, commence the hearing, or render its determination after the hearing within the time limits specified in this subdivision, the proposed acquisition shall be deemed approved. In each proceeding on a written application submitted under said subsection (b) or (c), the authority shall, in a manner which treats all parties to the proceeding on an equal basis, take into consideration (1) the financial, technological and managerial suitability and responsibility of the applicant, (2) the ability of the gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, or holding company which is the subject of the application to provide safe, adequate and reliable service to the public through the company's, certificate holder's or provider's plant, equipment and manner of operation if the application were to be approved, and (3) for an application concerning a telephone company, the effect of approval on the location and accessibility of management and operations and on the proportion and number of state resident employees. The authority shall only grant its approval of an application filed on or after January 1, 2021, made under subsection (c) of this section, if the holding company effects a change in the composition of the board of directors to include a proportional percentage of Connecticut-based directors equivalent to the percentage that Connecticut service areas represent of the total service areas covered by the holding company.



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(e) During any proceeding under subsection (b) or (c) of this section, the authority may order any party to such proceeding and the officers, directors, employees and agents of such party to refrain for a specific time period from communicating, directly or indirectly, with the record and beneficial owners of securities of the gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, or holding company which is the subject of such proceedings, in regard to the matters submitted to the authority for its approval under said subsection (b) or (c). If the authority issues such an order, it shall also order all other parties to the proceeding and the officers, directors, employees and agents of such parties to refrain for the same time period from communicating, directly or indirectly, with such record and beneficial owners of such securities, in regard to such matters. No order issued pursuant to this subsection shall prohibit any party from complying with disclosure and reporting obligations under any other provision of the general statutes or under federal law.

(f) Each holding company shall, not later than three months after the close of its fiscal year, annually, file with the authority a copy of its annual report to stockholders for such fiscal year. If the holding company does not print such an annual report, it shall file instead, not later than the same date, a comprehensive audit and report of its accounts and operations prepared by an independent public accounting firm approved by the authority. The provisions of this subsection shall not apply to any holding company in the form of a person.

(g) Any action contrary to the provisions of [subsections] subsection (b) or (c) of this section shall be voidable on order of the authority.

(h) Whenever any corporation, association, partnership, trust or

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similar organization, or person takes or engages in any action which may or would violate subsection (b) or (c) of this section or any order adopted pursuant to said subsection (b) or (c), the Superior Court, upon application of the authority or any holding company or gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, affected by such action, may enjoin any such corporation, association, partnership, trust or similar organization, or person from continuing or doing any act in violation of said subsection (b) or (c) or may otherwise enforce compliance with said subsection (b) or (c), including, but not limited to, the reinstatement of authority or control over the [holding company or] gas company, electric distribution company, water company, telephone [or] company, community antenna television company, holder of a certificate of cable franchise authority pursuant to section 16-331p, certified telecommunications provider, certified competitive video service provider or broadband Internet access service provider, as defined in section 16-330a, or holding company to those persons who exercised authority or control over such company, certificate holder or provider before such action.

(i) The provisions of this section shall not be construed to require any person to make written application to or obtain the approval of the authority with respect to any telephone company or holding company of a telephone company over which such person exercises authority or control or operates as a holding company on June 30, 1987.

Sec. 20. Section 7-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

[Wherever used in] As used in this section and sections 7-171 to 7-

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186, inclusive, as amended by this act, unless otherwise provided: ["bazaar"]

(1) "Applicant" means the sponsoring organization solely responsible for all charities participating in the bazaar or raffle;

(2) "Bazaar" means a place maintained by a sponsoring organization for the disposal of merchandise awards by means of chance; ["raffle"]

(3) "Cash" means coins and paper money that is legal tender of any nation;

(4) "Coupon" means a ticket, form or document which the holder may redeem in exchange for gift cards, gift certificates, merchandise, tangible personal property, services or transportation on a common carrier, or a discount in the purchase price of gift cards, gift certificates, merchandise, tangible personal property, services or transportation on a common carrier; and

(5) "Raffle" means an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes. ["applicant" means the sponsoring organization; and "coupon" means a ticket, form or document which the holder may redeem in exchange for merchandise, tangible personal property, services or transportation on a common carrier, or a discount in the purchase price of merchandise, tangible personal property, services or transportation on a common carrier.]

Sec. 21. Section 7-171 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

[Any] (a) Prior to October 1, 2023, any town, city or borough may, by ordinance, adopt the provisions of sections 7-170 to 7-186, inclusive, as amended by this act, and the chief executive authority of any town, city or borough shall, upon the petition of at least five per cent of the electors

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of such municipality as determined by the last-completed registry list, submit the question of adopting the provisions of sections 7-170 to 7-186, inclusive, as amended by this act, to a vote of the electors of such municipality at a special meeting called for such purpose within twenty-one days after the receipt of such petition. Such petition shall contain the street addresses of the signers and shall be submitted to the municipal clerk, who shall certify thereon the number of names of electors on such petition, which names are on the last-completed registry list. Each page of such petition shall contain a statement, signed under the penalties of false statement, by the person who circulated the same, that each person whose name appears on such page signed the same in person and that the circulator either knows each such signer or that the signer satisfactorily identified [himself] such signer to the circulator. The warning for such meeting shall state that the purpose of such meeting is to vote on the adoption of the provisions of said sections. Such vote shall be taken and the results thereof canvassed and declared in the same manner as is provided for the election of officers of such municipality. The vote on such adoption shall be taken by a "YES" and "NO" vote on the voting tabulator and the designation of the question on the voting tabulator ballot shall be "Shall the operation of bazaars and raffles be allowed?" and such ballot shall be provided for use in accordance with the provisions of section 9-250. If, upon the official determination of the result of such vote, it appears that the majority of all the votes so cast are in approval of such question, the provisions of said sections shall take effect immediately. Any town, city or borough, having once voted on the question of allowing bazaars and raffles as herein provided, shall not vote again on such question within two years from the date of the previous vote thereon. Any subsequent vote thereon shall be taken at the next regular town, city or borough election following the receipt of a petition as herein provided, which petition shall be filed at least sixty days prior to such election, and such question may be so voted upon only at intervals of not less than two years. Any town, city or borough which, prior to October 1, 1957, has

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voted more than once on such question, shall, for the purposes of this [section] subsection, be treated as though it had voted only once thereon.

(b) On and after October 1, 2023, each town, city and borough shall be deemed to have adopted the provisions of sections 7-170 to 7-186, inclusive, as amended by this act. Any town, city or borough may, by ordinance, opt out of the provisions of sections 7-170 to 7-186, inclusive, as amended by this act, and the chief executive authority of any town, city or borough shall, upon the petition of at least five per cent of the electors of such municipality as determined by the last-completed registry list, submit the question of opting out of the provisions of sections 7-170 to 7-186, inclusive, as amended by this act, to a vote of the electors of such municipality at a special meeting called for such purpose within twenty-one days after the receipt of such petition. Such petition shall contain the street addresses of the signers and shall be submitted to the municipal clerk, who shall certify thereon the number of names of electors on such petition, which names are on the last-completed registry list. Each page of such petition shall contain a statement, signed under the penalties of false statement, by the person who circulated the same, that each person whose name appears on such page signed the same in person and that the circulator either knows each such signer or that the signer satisfactorily identified such signer to the circulator. The warning for such meeting shall state that the purpose of such meeting is to vote on opting out of the provisions of said sections. Such vote shall be taken and the results thereof canvassed and declared in the same manner as is provided for the election of officers of such municipality. The vote on such adoption shall be taken by a "YES" and "NO" vote on the voting tabulator and the designation of the question on the voting tabulator ballot shall be "Shall the operation of bazaars and raffles be disallowed?" and such ballot shall be provided for use in accordance with the provisions of section 9-250. If, upon the official determination of the result of such vote, it appears that the majority of

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all the votes so cast are in approval of such question, the provisions of said sections shall no longer be effective in such municipality. Any town, city or borough, having once voted on the question of disallowing bazaars and raffles as herein provided, shall not vote again on such question within two years from the date of the previous vote thereon. Any subsequent vote thereon shall be taken at the next regular town, city or borough election following the receipt of a petition as herein provided, which petition shall be filed at least sixty days prior to such election, and such question may be so voted upon only at intervals of not less than two years.

Sec. 22. Section 7-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

No bazaar or raffle may be promoted, operated or conducted in any municipality after the adoption of the provisions of sections 7-170 to 7-186, inclusive, as amended by this act, unless [it] such bazaar or raffle is sponsored and conducted [exclusively] by (1) an officially recognized organization or association of veterans of any war in which the United States has been engaged, (2) a church or religious organization, (3) a civic, service or social club, (4) a fraternal or fraternal benefit society, (5) an educational or charitable organization, (6) an officially recognized volunteer fire company, (7) a political party or town committee thereof, or (8) a municipality acting through a committee designated to conduct a celebration of the municipality's founding on its hundredth anniversary or any multiple thereof. Any such sponsoring organization, except a committee designated pursuant to subdivision (8) of this section, shall have been organized in good faith and actively functioning as a nonprofit organization within the municipality that is to issue the permit for a period of not less than six months prior to its application for a permit under the provisions of said sections. The promotion and operation of a bazaar or raffle shall be confined solely to the qualified members of the sponsoring organization, provided a committee

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designated pursuant to subdivision (8) of this section may promote or operate through its members and any officially appointed volunteers. No such member or officially appointed volunteer in the case of a raffle held pursuant to subdivision (8) of this section may receive remuneration in any form for time or effort devoted to the promotion or operation of the bazaar or raffle. No person under the age of eighteen years may promote, conduct, operate or work at a bazaar or raffle and no person under the age of sixteen years may sell or promote the sale of any raffle tickets, nor shall any sponsoring organization permit any person under the age of eighteen to so promote, conduct or operate any bazaar or raffle or any person under the age of sixteen to sell or promote the sale of such tickets. Any sponsoring organization having received a permit from any municipality may (A) sell or promote the sale of such raffle tickets in that municipality and in any other town, city or borough which has adopted the provisions of sections 7-170 to 7-186, inclusive, as amended by this act, or (B) mail such raffle tickets to any resident of that municipality or of any other town, city or borough which has adopted the provisions of sections 7-170 to 7-186, inclusive, as amended by this act, provided any such mailed raffle ticket is printed with the words "no purchase necessary to enter the raffle". Any such sponsoring organization may promote its raffle by offering coupons to any person who purchases a raffle ticket. Such sponsoring organization may accept a credit card, debit card, check or cash as payment for a raffle ticket. Any such sponsoring organization, except a committee designated pursuant to subdivision (8) of this section, may sell or promote the sale of such raffle tickets on such sponsoring organization's Internet web site. In no event shall any sponsoring organization conduct or operate an online raffle. All funds derived from any bazaar or raffle shall be used exclusively for the purpose stated in the application of the sponsoring organization as provided in section 7-173.

Sec. 23. Subsection (a) of section 7-177 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1,*

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2023):

(a) All prizes given at any bazaar or raffle shall be merchandise, tangible personal property or a ticket, coupon, gift card or gift certificate, entitling the winner to merchandise, tangible personal property, services, transportation on a common carrier by land, water or air and to any tour facilities provided in connection therewith, or to participation in a lottery conducted under chapter 226. Such ticket, coupon, gift card or gift certificate shall not be refundable. [or transferable.] No cash prizes or prizes consisting of alcoholic liquor shall be given, except as provided in subsection (b) of this section and section 7-177a, and no prize shall be redeemed or redeemable for cash, except tickets for a lottery conducted under chapter 226 or gift certificates awarded in accordance with subsection (e) of section 7-185a. For the purposes of this section, coins whose trading value exceeds their face value and coins not commonly in circulation shall not be deemed a cash prize.

Sec. 24. Subsection (a) of section 7-178 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) No bazaar or raffle shall be conducted with any equipment except such as is owned absolutely or used without payment of any compensation therefor by the permittee or as is rented from a dealer in such equipment who (1) has a principal place of business in this state, and (2) is registered with the Commissioner of Consumer Protection in such manner and on such form as he may prescribe, which form shall be accompanied by an annual fee of three hundred seventy-five dollars payable to the Treasurer of the state of Connecticut. No item of expense shall be incurred or paid in connection with the holding, operating or conducting of any bazaar or raffle pursuant to any permit issued under sections 7-170 to 7-186, inclusive, as amended by this act, except such as are bona fide items of reasonable amount for goods, wares and



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merchandise furnished or services rendered, which are reasonably necessary to be purchased or furnished for the holding, operating or conducting thereof, and no commission, salary, compensation, reward or recompense whatever shall be paid or given, directly or indirectly, to any person [holding, operating or conducting, or assisting in the holding, operation or conduct of, any such bazaar or] for the direct sale of raffle tickets. Each raffle ticket shall have printed thereon the time, date and place of the raffle, the three most valuable prizes to be awarded and the total number of prizes to be awarded as specified on the form prescribed in section 7-173. In addition to any other information required under this section to be printed on a raffle ticket, each ticket for a raffle authorized pursuant to a "Class No. 7" permit shall have printed thereon the time, date and place of each raffle drawing.

Sec. 25. Sections 7-184 and 42-288c of the general statutes are repealed. (*Effective October 1, 2023*)

Approved June 26, 2023