



CAPITOL CONSULTING

LLC



Liz Connelly



Anita Schepker, Esq.

The Connecticut Opticians Association 2022 Legislative Summary

Prepared by

Liz Connelly & Anita Schepker

Capitol Consulting LLC

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The Connecticut General Assembly adjourned the 2022 regular session at the stroke of midnight on Wednesday, May 4th, its Constitutional deadline.

The General Assembly kicked off the 2022 legislative session on February 9th with Opening Day ceremonies being held inside the State Capitol for the first time since 2020. For the month of February all committee meetings and public hearings took place virtually via Zoom and the public was limited to only the first floor of the Legislative Office Building and the State Capitol Building. At that time, legislators could vote from wherever they could get Internet access as long as their face was shown on Zoom during the vote.

In March, the State Capitol complex opened public access to the first floor of the Legislative Office Building and the first and second floors of the State Capitol Building. With second floor access the public had the opportunity to lobby outside of the House chamber. However, the public did not have access to the third floor of State Capitol building where the State Senate conducts business for the entire legislative session. As legislative committees became active, some held meetings in a hybrid fashion, with legislators having the choice to attend virtually or in-person. Several committee chairs would hold meetings on the first floor of the Legislative Office Building granting access to the public for the first time since the pandemic began in March of 2020. During the final weeks of the legislative session both chambers met in-person, though members were permitted to vote remotely from their Capitol offices rather than voting in their respective chambers. This practice of remote voting was liked by members and may continue into the future. To date, the State Capitol complex is still not fully open to the public.

The General Assembly's top priority for the 2022 legislative session was to make budget adjustments to the second year of the biennial budget. Budget analysts estimated a surplus of \$565.1 million for fiscal year 2023 and \$1.75 billion in new ARPA allocations.

In the closing days of the 2022 session, the General Assembly approved the budget adjustments, on a largely partisan vote (Senate 24 to 12; House 95 to 52). The budget adjustment contains more than \$600 million in tax cuts. Those tax cuts include, suspending



Connecticut excise tax on gasoline through November 30, 2022; enacting a \$250 per-child tax credit for lower and middle-earning families; funding payments for earned income tax credit eligible households; increasing the property tax credit from \$200 to \$300; and speeding up a plan to eliminate taxes on pensions and annuities. In addition, the budget reduces local property taxes on motor vehicles in 75 cities and towns by capping the mill rates at 32.46 and reimbursing the municipalities for any lost revenue.

In addition to the budget adjustments, the General Assembly approved some other bills of interest including: expansive children's mental health legislation to help combat the youth mental health crisis; a data privacy bill to allow customers to be aware when their personal information is being tracked; juvenile justice legislation was passed in response to an uptick in motor vehicle thefts; Connecticut's clean air act was updated to meet California's clean air standards aiming to reduce vehicle emissions; and reproductive rights were extended allowing more providers to perform abortions and providing the legal protection of providers and patients from out of state laws.

All 187 state legislators (36 Senate seats and 151 House seats) as well as all the Constitutional officers are up for election in November 2022. At least thirty-one legislators are expected to leave the General Assembly. In the House of Representatives, fourteen Democrats and ten Republicans are expected to leave and, in the Senate, three Democrats and four Republicans are expected to retire. With these retirements, there will be a large freshmen class of legislators entering the General Assembly in January of 2023. Governor Ned Lamont (D) will once again faceoff against Bob Stefanowski (R) in the race for governor. Over the summer and fall, we will be sure to keep you updated on this and other races.

Capitol Consulting tracked and/or lobbied several bills that had either an impact or potential impact on The CT Opticians Association (COA). Find below a summary of the major legislation of interest.

LEGISLATION OF INTEREST IN THE 2022 SESSION:

SB 329 - AN ACT CONCERNING THE RETAIL OPERATION OF OPTICAL ESTABLISHMENTS, OFFICES AND STORES.

This bill was proposed at the request of Warby Parker and would have permitted optical establishments, offices and stores to remain open in the absence of a licensed optician in the case of an emergency and to prevent an establishment, office or store from displaying optical glasses or kindred products or other instruments to aid vision for purchase online without a permit. This bill did not pass as a standalone bill, however an **amended version of this language was added to HB 5506.**



Throughout the session Capitol Consulting worked with COA on a strategy and messaging to make sure COA's voice was as strong and effective as possible during the legislative process. Due to the COA members' outstanding job presenting their opposition to the bill at the public hearing – with 65 letters of written testimony submitted to the Public Health Committee and 16 members testifying in person – SB 329 was one of the most discussed bills during the public hearing and the committee meeting that was held a few days after the public hearing.

When the bill was passed out of the Public Health Committee, many legislators commented that they would be voting yes so that discussions could continue to see if all parties could come to a consensus on the language. Capitol Consulting took the lead and held several meetings with the legislators, including Representative Amy Berger Girvalo, who had taken the lead on the bill, to make sure that COA's message was understood and taken into account as new language was worked on. It was crucial to keep COA at the forefront, as other opticians' groups were also doing their own outreach to legislators with messaging that didn't always match with COA's messaging.

With only days left in the Legislative Session, and after several meetings between all interested parties, time was running short. COA was asked to meet with Warby Parker alone to discuss a possible compromise to the bill. While the conversations were productive, and we were able to come to agreement with all of COA's suggestions in terms of measuring, fitting, etc., there was one sticking point that remained. Warby Parker wanted customers to be able to handle and try on frames when an optician is not present. Capitol Consulting and COA indicated that that went to the very heart of the issue, and that we could not compromise on that point.

When it was apparent that we would not be able to reach a compromise, Capitol Consulting and Warby Parker's lobbyist let legislators know that we could not come to a compromise and that we would need to continue discussions during the off session. Soon after that message was sent, the Governor's office inserted themselves into the process and insisted that the bill should be passed this year, so COA and Warby Parker needed to have another discussion and come to a compromise. So, our new task was to make the language as restrictive as possible while still coming to a comprise with Warby Parker. This new language would be inserted into HB 5506, which is the large budget adjustment bill. See the description of HB 5506 below, for more detail on the negotiated language that passed.

HB 5506 - AN ACT ADJUSTING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2023, CONCERNING PROVISIONS RELATED TO REVENUE, SCHOOL CONSTRUCTION AND OTHER ITEMS TO IMPLEMENT THE STATE BUDGET AND AUTHORIZING AND ADJUSTING BONDS OF THE STATE.



This bill makes adjustments to the biennial budget which was approved during the 2021 session. Of interest to COA is section 230, which pertains to the negotiated language of SB 329. As mentioned earlier, the negotiations with COA and Warby Parker had initially come to a stalemate. However, after a strong message from the Governor's Office that either the parties forged an agreement or the Governor's Office would introduce their own language in the bill, the two groups were forced to come to an agreement. Both sides are not entirely happy with the compromised language, as is the case with many negotiated pieces of legislation. COA's goal was to get the language as restrictive as possible to make sure it only allows for Warby Parker's initial goal, which was to only sell ancillary products when an optician wasn't present.

Some of the changes that were made from the original language in SB 329 at COA's request:

- In Section 1(b), we tightened the period of time that a store could remain open without an optician from, "a period of time deemed reasonable by the Department of Public Health" to "4 consecutive business days" so there was no debate on what was deemed a reasonable period of time. We also tightened the language pertaining to reasonably unanticipated circumstances by adding "unanticipated" before "termination or resignation" so that only in unexpected cases could this circumstance apply.
- In that same section, pertaining to posting signage stating that an optician is not on site, we made sure that the statute had precise language of what the signage messaging should be to ensure that the signage will be the same in every store and that it clearly stated what could not be done while an optician was not present.
- We also added the language in subsection C which explicitly lays out all of things that are not allowed to be done when an optician is not present, including: selling or ordering optical glasses, kindred products, or other instruments to aid vision; performing measurements on any individual for optical glasses, kindred products or other instruments to aid vision; making recommendations that are medically relevant to the personalized given formulas for optical glasses, kindred products or other instruments to aid vision; fitting, adjusting, altering or manipulating optical glasses, kindred products or other instruments to aid vision; delivering optical glasses, kindred products or other instruments to aid vision; and transacting a sale online for optical glasses, kindred products or other instruments to aid vision.

Public Act – Signed in Original

Effective Date – Effective July 1 2022, Section 230 effective date is October 1, 2022

Governor's Signature – May 7, 2022

