

**Notice of Decision to Take Action
On Proposed Regulation**

Re: Regulation Concerning the Connecticut Unfair Trade Practices Act, PR2024-031

The Department of Consumer Protection opened a public comment period from July 1, 2025 through August 4, 2025 to solicit public input regarding proposed changes to an existing administrative regulation concerning the Connecticut Unfair Trade Practices Act (“CUTPA”).


The purpose of the proposed changes to the existing regulation is to update the Department of Consumer Protection’s regulations pursuant to the Connecticut Unfair Trade Practices Act to clarify the scope, applicability, and standards for business advertising and for agency enforcement of the Act. Many provisions have not been revised since the 1970s or 1980s. Revisions are necessary to include, for example, internet websites, and to ensure consistent terminology across sections.

The proposed amendments establish standards for clear and conspicuous advertising, require disclosure of all fees, charges, and costs other than any applicable tax in advertising consumer products and motor vehicles, and set requirements for alternate methods of entry to game promotions. Existing sections based on laws no longer in effect are also being repealed.

The document attached summarizes the comments received and the Department’s intended revisions of the proposed regulations in response.

The regulations, without modifications, will be published on the website of the Secretary of the State. Thank you for your interest in this proposed regulation and the work of the Department of Consumer Protection.

Very truly yours,


Julianne Avallone
Legal Director

Dated: September 4, 2025

Proposed Amendments to Regulation Concerning the Connecticut Unfair Trade Practices Act Summary of Public Comments and the Department's Response September 4, 2025

The Department of Consumer Protection (“Department”) received two comments from the following entities: CHA, Connecticut Hospital Association and CBIA, Connecticut Business and & Industry Association.

Extension of Public Comment Period

Both commenters requested an extension of the public comment period by 30-60 days to evaluate whether any public acts adopted during the last legislative session necessitate further updates to the proposed legislation or potentially conflict with the proposed revisions. The public was given a 30-day comment period to review the proposed regulation and provide feedback. This 30-day period is considered reasonable as it allows the public sufficient time to offer meaningful, thorough and well-considered feedback. It also affords the public reasonable time to identify any potential conflicts or suggest changes which the commenters did. Therefore, the Department will proceed with the statutorily prescribed regulation review process. If the public has additional comments or questions related to the regulations, they may contact the Department, however such comments will not be posted on the e-Regulations system since they were not received during the official public comment period.

Required disclosure of refund and exchange policies

Both commenters indicated a potential conflict between the proposed regulation, specifically Sec. 42-110b-16(a) and the refund and exchange policies statute, Sec. 42-110aa(a)(1). However, before submitting the proposed regulations, the Department conducted a thorough review which included the review of these sections and determined that no conflict exists; the sections are consistent.

Section 42-110aa(a)(1) requires that businesses must inform consumers about their refund and exchange policies, including whether such policies exist, and describes how such policies are to be communicated to consumers. Specifically, it requires that policies be clearly and conspicuously: (A) posted on the premises for in-person sales; (B) displayed on the website for online sales; and (C) verbally disclosed for verbal sales, including telephone sales. The proposed regulation, Sec. 42-110b-16(a), lists factors to determine if such policies violate CUTPA, including unconscionability, though this list is not exhaustive.

The statute provides clear compliance requirements for businesses on how to disclose their refund and exchange policies, ensuring that consumers are well-informed about their rights and the terms of their purchases. Congruently, the proposed regulation aims to protect consumers from unfair and deceptive refund and exchange policies. By assessing these policies based on factors such as unconscionability, it ensures that consumers are not subjected to unreasonable terms that significantly disadvantage consumers.

Requirements for advertisements to clearly and conspicuously disclose all exceptions, limitations, and restrictions

Both commenters are seeking clarification on Sec. 42-110b-18(a)(9) as it applies to hospitals and in general, businesses that “cannot determine the final cost of services to consumers at the time of

advertising due to variable costs associated with the good or service due to consumer selection, unforeseen circumstances, and the nature of the services”, and the applicability of Public Act 25-44, Section 1.

Public Act 25-44, Section 1 is related to “junk fees”. These are charges imposed by businesses that are not clearly disclosed in the advertised price and are often added late in the consumer transaction process – such as at checkout or after services have been rendered. These may include service, administrative or processing fees, or non-optional add-ons. This section targeting junk fees was designed to promote transparency and fairness in consumer transactions, protect consumers from deceptive or misleading advertising practices, and to establish clear standards for what constitutes deceptive fees. However, Public Act 25-44, Section 1, Subdivision 2(C) states that subdivision 1 should not be interpreted as restricting businesses from applying fees or excluding certain fee amounts from initial advertised prices when those fees cannot be reasonably determined at the time of advertisement. This is permitted as long as the existence of such fees is clearly disclosed upfront, and the exact amount is provided to the consumer before the transaction is completed, whether it involves a purchase, lease, or receipt of the good or service.

Section 42-110b-18(a)(9) of the proposed regulation is intended to ensure that consumers are fully informed about the terms and conditions of advertised products and services. The regulation requires exceptions (e.g., when an offer does not apply), limitations (e.g., quantity or time restrictions on the offer), restrictions (e.g., eligibility requirements for the offer) must all be clearly and conspicuously disclosed. This means that they must be presented in a way that is obvious and understandable so that consumers are not misled. Failing to do so would be considered an unfair or deceptive advertising practice.

It is also important to clarify that advertisements related to insurance products or services fall under the jurisdiction of the Connecticut Unfair Insurance Practices Act, Chapter 704, and are regulated separately.

Advertising Requirements and Media Forms

One commenter raised concerns that Sec. 42-110b-1(1), which defines advertisement broadly, may pose compliance challenges for businesses particularly when certain formats have limitations or restrictions on the way information is conveyed.

The definition of “advertisement” is intentionally broad to ensure that all forms of media, regardless of the format, are subject to the same consumer protection standards. Businesses have the discretion to choose the form of media to advertise their goods and services. The focus of compliance is not on the medium itself but rather on the content and manner of the information conveyed. No matter the format, the advertisement must be clear and conspicuous to ensure that consumers understand the terms of the offered goods and services.