





2024 Acts Affecting People With Disabilities

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Notice to Readers

This report provides summaries of new laws (public acts and special acts) significantly affecting people with disabilities enacted during the 2024 regular legislative session. OLR's other Acts Affecting reports, including Acts Affecting Seniors and Acts Affecting Health Professionals, are, or will soon be, available on <u>OLR's website</u>.

Each summary indicates the public act (PA) or special act (SA) number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden. Complete summaries of public acts are, or will soon be, available on <u>OLR's website</u>.

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, House Clerk's Office, or <u>General Assembly's website</u>.

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Accessibility

Accessible Parking Placard Certification

A new law modifies the conditions under which a health care professional may certify an applicant for an accessible parking removable windshield placard. It requires health care professionals who certify placard applicants' eligibility to do so based on their professional opinion after completing a medically reasonable assessment of the applicant's medical history and current medical condition made in the course of a bona fide health care professional-patient relationship. It also (1) prohibits health care professionals from making fees they charge to applicants seeking certification contingent on whether or not they certify the applicants' eligibility and (2) imposes a civil penalty of up to \$1,000 for violations (PA 24-20, §§ 43-45, most provisions effective October 1, 2024).

Medical Facility Accessibility

Under new legislation, group practices of at least nine physicians, advanced practice registered nurses (APRN), or a combination of them ("practice locations") must consider certain federal technical accessibility standards when purchasing medical diagnostic equipment. Starting January 1, 2025, the act also requires these practice locations and certain health care facilities (i.e., hospitals, outpatient clinics, and long-term care and hospice facilities) to take related administrative actions, such as (1) training direct care staff on policies and procedures for patients with accessibility needs, (2) taking an inventory of all medical diagnostic equipment, and (3) creating a plan to address equipment inventory gaps and identify steps needed to ensure compliance with the accessibility standards.

Among other things, the act also generally requires, starting January 1, 2026, health care facilities and practice locations with three or more examination rooms to have certain accessible medical diagnostic equipment (e.g., at least one weight scale and one examination table or chair in at least one examination room that accommodates patients using assistive devices) (PA 24-113, effective July 1, 2024).

Wheelchair Repair

A new law includes several provisions on wheelchairs, including specialized wheelchairs that are individually configured for each user. The new law (1) sets timelines and reporting requirements related to wheelchair repair; (2) restricts prior authorization and new prescription requirements for certain wheelchair repairs under Medicaid and private health insurance; and (3) establishes a Complex Rehabilitation Technology and Wheelchair Repair Advisory Council to monitor wheelchair repair and make recommendations on improving repair times (PA 24-58, effective July 1, 2024).

Benefits Programs

HUSKY C Income Limits

HUSKY C provides Medicaid coverage for people who are at least age 65, blind, or living with a disability. A new law reduces a scheduled expansion in eligibility for the program. The HUSKY C income limit is currently based on the monthly cash benefit under a different program (Temporary Family Assistance (TFA)). Under prior law, the income limit would have increased on October 1, 2024, from 143% of the TFA monthly cash benefit (\$699 per month in 2024) to 105% of the Federal Poverty Limit (\$1,317 per month in 2024) after income disregards. A law passed this year repeals this scheduled change and instead increases the income limit to 159% of the TFA cash benefit (\$778 per month in 2024) (<u>PA 24-81</u>, §§ 38 & 39, effective October 1, 2024, except the repealed section is effective upon passage).

Katie Beckett Waiver Program Waitlist Working Group

The Katie Beckett waiver provides Medicaid services to children and young adults with disabilities. This year, the legislature established a working group to study and make recommendations on eliminating or reducing the program's waitlist and establishing priority placements on the waitlist based on illness and life expectancy. The working group must report its findings to the Appropriations and Human Services committees by February 15, 2025 (PA 24-130, § 2, effective July 1, 2024).

Med-Connect Income and Asset Limits

This year, the legislature passed a law to phase out income and asset eligibility limits in Med-Connect, the Department of Social Service's (DSS) medical assistance program for working people with disabilities. The act increases the income limit from \$75,000 to \$85,000 and doubles the asset limit for individuals and married couples to \$20,000 and \$30,000 respectively. Beginning July 1, 2026, the act requires DSS to phase out income and asset limits for the program over four fiscal years by annually increasing the (1) income limit by \$10,000 and (2) asset limit by \$10,000 for individuals and \$15,000 for married couples. Income and asset limits must be eliminated from the program by July 1, 2029 (PA 24-81, § 64, effective April 1, 2025).

Medicaid Coverage for Biomarker Testing

A new law requires DSS to provide Medicaid coverage, to the extent federal law allows, for biomarker testing to diagnose, treat, or manage a Medicaid enrollee's disease or condition. These tests analyze a patient's tissue, blood, or other biospecimen for biomarkers, which are characteristics that indicate normal biological processes, pathogenic processes, or pharmacologic

responses to a specific therapeutic intervention for a disease or a condition (e.g., a gene mutation or protein expression) (PA 24-50, effective July 1, 2024).

Paid Family and Medical Leave Appeals

By law, anyone aggrieved by the Paid Family Medical Leave Authority's denial of program benefits or by the imposition of penalties for certain program-related fraud may appeal to the Department of Labor (DOL). Any party aggrieved by DOL's subsequent decision may then appeal to the Superior Court. A new law specifies certain procedural steps and other criteria that must be followed in these appeals to the court. Among other things, it (1) generally limits what the court considers in the appeal to certain factors (e.g., whether DOL incorrectly applied the law to the facts it found) and (2) specifies what actions the court may take in deciding the appeal (PA 24-102, effective July 1, 2024).

Criminal Justice and Judicial Procedure

Connecticut Uniform Trust Decanting Act

This session, the legislature adopted the Connecticut Uniform Trust Decanting Act. Generally, a trust decanting occurs when a trust's authorized fiduciary, in line with authority granted under the trust, modifies the trust's terms or distributes property from it to another trust. Among other things, the act sets specific standards for decanting involving special needs trusts for a beneficiary with a disability (PA 24-104, effective January 1, 2025).

Dyslexia Screening for Incarcerated Individuals

A new law requires the Department of Correction (DOC) to assess and consider ways to screen for dyslexia in people who (1) are sentenced to a period of incarceration and (2) have not been convicted or sentenced and who are in DOC custody for longer than six months. The new law also allows the department, at the commissioner's discretion, to consider ways to screen these people for other learning disabilities. By December 11, 2024, the commissioner must report on the assessment's findings and any legislative recommendations to the Judiciary Committee (SA 24-14, effective upon passage).

Factors to Restore Competency for Trial

A new law sets the factors that a court must consider when determining the least restrictive placement appropriate and available for a person to restore their competency for a criminal trial. These factors include, among others, (1) the nature and circumstances of the alleged crime, (2) the defendant's willingness and ability to engage with the treatment, and (3) any of the defendant's psychiatric symptoms, including their nature and severity. The act also generally requires the court,

in misdemeanor cases, to presume that outpatient treatment is the appropriate placement. But this does not apply if the court has good cause to find otherwise based on the above factors ($\frac{PA 24}{137}$, § 6, effective October 1, 2024).

Notice of Involuntary Conservatorship Petition

A new law specifies the procedures to notify the non-petitioning spouse of an involuntary conservatorship petition if the spouse is out-of-state, cannot be located, or cannot be served in the state. It also requires notice to be sent by certified mail to specified other family members if the spouse's location is unknown in certain cases involving elderly persons (PA 24-97, § 4, effective October 1, 2024).

Standing Criminal Protective Orders

A new law allows courts to issue, on a victim's behalf, a standing criminal protective order for someone found not guilty of a crime due to mental disease or defect, under the same standards and requirements that apply following a criminal conviction (PA 24-137, § 8, effective October 1, 2024).

Long-Term Care Facilities, Hospitals, and Other Facilities Autism Spectrum Disorder (ASD) Pilot Program

By law, DSS must establish a two-year pilot program in partnership with a hospital to provide nonresidential outpatient day services for people with ASD. A new law narrows the type of hospital DSS must select for the pilot to one in Hartford County with an established, specialized interdisciplinary program for younger children and adolescents with an ASD diagnosis. DSS must select the hospital by September 1, 2024, and the hospital must start providing services under the pilot by October 1, 2024 (PA 24-81, § 35, effective upon passage).

DDS Resident Transfers

A new law updates and revises the law on transfers from Department of Developmental Services (DDS)-operated or -funded residential facilities. Among other things, it (1) specifies that for all transfers, including those for emergencies or medical reasons, adult residents of these facilities (or residents' legal representatives) have the right to request a hearing if they object to a transfer and (2) sets standards and procedures for temporary transfers, without prior notice, due to certain emergencies or during a declared public health emergency (PA 24-122, §§ 7-8 & 15, effective July 1, 2024, except a conforming change is effective upon passage).

Discrimination Against Nursing Home Applicants

A new law specifically prohibits nursing homes from refusing to admit applicants for admission solely because they received mental health services at any time. It classifies this as a discriminatory practice under the Commission on Human Rights and Opportunities (CHRO) laws. By doing so, the act allows people aggrieved by these violations, or CHRO itself, to file a complaint with CHRO alleging discrimination.

Under the new law, nursing homes are not required to admit applicants (1) who pose a direct threat to the health or safety of others; (2) who do not require a nursing home level of care according to state and federal requirements; or (3) whose admission would result in converting the nursing home into an institution for mental diseases (PA 24-19, §§ 38 & 39, effective October 1, 2024).

Notice Requirements Related to DSS Certificate of Need Program

A new law updates notice requirements related to intermediate care facilities for individuals with intellectual and developmental disabilities related to DSS's certificate of need process. For example, it requires facility closure notices to go to the Office of the Developmental Services Ombudsperson rather than the Office of the Long-Term Care Ombudsman, and requires the ombudsperson's office to hold informational sessions related to these closures (PA 24-122, § 14, effective upon passage).

Nursing Home Waiting Lists and Transfers

This session, the legislature enacted two new laws that make various changes to waiting list requirements for Medicaid-certified nursing homes. Existing law generally requires nursing homes to keep waiting lists and admit applicants in the order they are received, regardless of their source of payment. Under a new law, nursing homes must now take these actions after accepting a "substantially completed" admissions application. Nursing homes must develop policies and procedures that include, among other things, the information required to deem an application substantially completed. The legislature also took action to require nursing homes to disregard their waiting lists when admitting residents transferring from a nursing home that is closing, with certain exceptions, such as if the person transferring does not have a (1) payor source because they have been denied Medicaid eligibility or (2) pending Medicaid application (PA 24-17, effective upon passage and PA 24-141, § 2, effective July 1, 2024).

Peer-Run Respite Center

A new law requires the Department of Mental Health and Addiction Services (DMHAS) commissioner, within available appropriations, to establish a peer-run respite center (run by a

contracted nonprofit). The center must employ specialists with relevant experience and training to provide peer respite and support services for adults experiencing emotional or mental distress right before or during a mental health crisis.

The act also requires the commissioner, by October 1, 2025, to report on the center and related issues, such as making recommendations on establishing other respite centers targeted to specific populations (PA 24-19, § 36, effective October 1, 2024).

Supportive Housing Assistance Program

This session, the legislature revised a recently enacted grant program for providers of supportive housing for people with an intellectual disability or other developmental disabilities, including ASD. Among other things, the new law (1) shifts primary responsibility for the program from DSS to the Department of Housing; (2) expands the types of entities eligible for program grants to include not just nonprofits but other eligible developers, such as housing construction businesses meeting certain requirements or municipal developers; and (3) adds the condition that the developer have partnered with a DDS-qualified provider or a provider approved to provide services supporting people receiving services under DSS's ASD Medicaid waiver program (PA 24-122, § 3, effective October 1, 2024).

Mental Health and Neurological Conditions

Healthy Brain Initiative

A new law requires the Department of Public Health (DPH), within available appropriations and starting by January 1, 2025, to annually report to the Public Health committee on the department's work on the Healthy Brain Initiative — i.e., the Centers for Disease Control and Prevention's collaborative approach to fully integrate cognitive health into public health practice and reduce the risk and impact of Alzheimer's disease and other dementias (PA 24-19, § 25, effective upon passage).

Parkinson's Disease Registry

A new law requires DPH, within available appropriations and in collaboration with an in-state public college or university, to maintain and operate a Parkinson's disease registry. It requires hospitals and certain health care providers to submit data to the registry as DPH requires, subject to patients opting out. Among other things, it also establishes a data oversight committee to monitor the registry's activities (PA 24-19, § 26, effective upon passage).

Recent-Onset Schizophrenia Spectrum Disorder Program

A new law requires the DMHAS commissioner, within available appropriations and in consultation with the Department of Children and Families commissioner, to establish a program for people diagnosed with recent-onset schizophrenia spectrum disorder. Among other things, the program must (1) provide specialized treatment for these people early in their psychosis and (2) serve as a hub for distributing information statewide on best practices for providing early intervention services. Starting by January 1, 2025, the DMHAS commissioner must annually report to the Public Health Committee on the program and related legislative recommendations (PA 24-19, § 27, effective upon passage).

Personal Finance

Assets of State Humane Institution Residents

This year, the legislature passed a law prohibiting the Department of Administrative Services (DAS) from recovering from a deceased person's estate charges for the aid, care, or treatment the person received in a state humane institution unless (1) recovery of the charges is required under federal law or (2) the billing rate for care in the institution was set using fraudulent information. The law also requires DAS to release any liens filed for recovery of charges prohibited under this law (PA 24-81, §§ 25-30, effective July 1, 2024).

Deadline for Sending Financial Records to DSS

This session, the legislature enacted a law that principally requires financial institutions to provide customer financial records to the DSS commissioner, or anyone deputized by her, within 20 calendar days after receiving a certificate signed by either. Prior law did not impose a specific deadline, but instead generally required anyone with information about someone's eligibility for certain state aid (e.g., Medicaid) to disclose it when presented with a signed certificate by, among others, the DSS commissioner or anyone deputized by her (PA 24-84, effective October 1, 2024).

Medical Debt Reporting

The session, the legislature passed a law prohibiting Connecticut health care providers and hospitals from reporting medical debt to credit rating agencies for use in a credit report. It also voids any medical debt that is reported to credit agencies. But the act excludes debts charged to a credit card unless the card is issued under a plan offered specifically to pay for medical services and equipment (PA 24-6, effective July 1, 2024).

Renters' Rebate Program

The state's renters' rebate program provides rent reimbursements for older or permanently disabled adults whose qualifying incomes do not exceed specified income thresholds. Under a new law, renters applying for this program have until September 30, rather than October 1, to submit their applications and may no longer apply to the Office of Policy and Management (OPM) for an extension (PA 24-132, §§ 8 & 9, effective July 1, 2024).

Provider Recruitment and Retention

DDS Information Sharing Related to Abuse and Neglect

A new law makes information in the DDS abuse and neglect registry additionally available to the Office of Labor Relations to determine whether an applicant for employment with DDS or certain other state agencies appears on the registry. The act also allows DDS to share information with certain entities if a DDS-licensed community living arrangement (i.e., group home) or community companion home's license was revoked or surrendered because of substantiated abuse or neglect during the licensure period (PA 24-122, §§ 12 & 16, effective upon passage).

Human Services Career Pipeline

By law, the Chief Workforce Officer (CWO) must establish a Human Services Career Pipeline to ensure enough trained providers are available to serve elderly people and people with intellectual or developmental disabilities, physical disabilities, cognitive impairment, or mental illness. A new law removes the July 1, 2024, deadline to establish the pipeline and instead requires CWO to report on its plan for the pipeline by that date and establish the pipeline within available appropriations. CWO's report must include the officer's recommendations for establishing the career pipeline and estimated funding needed to implement it (PA 24-81, § 36, effective upon passage).

Interstate Compacts for Nurses and Social Workers

This year, new laws enter Connecticut into two health care-related interstate compacts, the Nurse Licensure Compact (from October 1, 2025, until January 1, 2028) and the Social Work Licensure Compact. The former provides a process for registered nurses or licensed practical/vocational nurses to get a multistate license, allowing them to practice in any compact party state (including by telehealth). The latter provides a similar process for social workers. In practice, the Social Work Licensure Compact is still in the implementation process, and license applications are currently anticipated to be open in late 2025 (PA 24-30 and PA 24-83, effective upon passage).

Public Safety

Local Voluntary Public Safety Registration System

A new law eliminates the 2023-enacted local voluntary public safety registration system for children with intellectual and developmental disabilities, including ASD, cognitive impairments, and nonverbal learning disorders, as well as related provisions. It correspondingly eliminates a requirement that each emergency dispatcher employed by a public safety answering point when practicable, search the system when dispatching emergency services to a residential address (PA 24-81, § 37, effective upon passage).

Missing Persons Clearinghouse

New legislation removes children with intellectual and developmental disabilities from the missing persons information clearinghouse administered by the Department of Emergency Services and Public Protection, which must hold information on certain missing individuals to help law enforcement agencies locate them. More specifically, the act changes the prior requirement that the clearinghouse include information on missing people with intellectual and developmental disabilities by limiting it to those who are adults (i.e., at least age 18) (PA 24-81, § 34, effective upon passage).

Service Animals

Terminology, Harness Requirements, and Education

This year, the legislature generally broadened the applicability of current protections and provisions related to guide dogs or assistance dogs by replacing references to guide dogs or assistance dogs with a federal definition for "service animals" and extended other provisions to service animals in training as well. The law also broadens the coverage for many of these provisions to include individuals with physical, intellectual, mental, or learning disabilities as defined under state law.

Among other various provisions, it eliminated requirements that (1) service animals wear a harness or an orange-colored leash and (2) service animals in training be identified through tags, tattoos, bandanas, coats, leashes, or collars. Further, it requires CHRO to post educational materials on service animals, emotional support animals, and therapy animals (PA 24-18, effective July 1, 2024).

Special Education

Changes to Early Grades Out-of-School Suspension

New legislation changes the standard for out-of-school suspensions for grades preschool to two to situations with evidence that the student's conduct is behavior that causes physical harm. Under prior law, the standard was conduct of a violent or sexual nature that endangers persons. It also limits out-of-school suspensions for this group to no more than five, rather than 10, school days. Additionally, under the legislation, in order to suspend a student in these grades, the school administration must (1) require that the student receive trauma-informed and developmentally appropriate services that align with any behavioral intervention plan, individualized education program, or Section 504 plan (Rehabilitation Act of 1973), when the student returns to school and (2) consider whether to convene a planning and placement team (PPT) meeting to evaluate whether the student may need special education or related services (PA 24-45, § 14, effective July 1, 2024).

Connecticut Technical Education and Career System (CTECS)

Existing law requires CTECS to, among other things, provide an appropriate educational program for each child requiring special education. A new law explicitly requires CTECS to provide and fund transition services as part of this requirement. It also requires CTECS (rather than the local or regional board of education) to convene a PPT meeting for home-schooled special education students before they enroll in a CTECS school (PA 24-78, § 23, effective July 1, 2024).

Notice Requirements Before Special Education PPT Meetings

By law, school boards must give a parent or guardian (or student if he or she is emancipated or over 18 years old) at least five days' notice before any PPT meeting for students eligible or being evaluated for special education and related services. A new law requires this notice include the specific rights the law provides parents, guardians, and students at these meetings. These include the right to (1) be present at and participate in all parts of the meeting where the student's educational program is developed, reviewed, or revised; and (2) have advisors and certain other service providers present (PA 24-41, § 23, effective July 1, 2024).

Transition Services for Students Receiving Special Education Services

The legislature enacted a new law that modifies the statutory definition of "transition service" for purposes of planning these services for special education students who are leaving, or about to leave, the kindergarten-12 education system. The new law replaces this definition with the federal definition of transition services, which adds to prior law's definition by requiring the activities to be

results-oriented, based on the individual child's needs, and names specific activities (e.g., vocational education, integrated employment, continuing and adult education, and adult services).

The new law also removes the requirement that the State Department of Education's (SDE) transition services coordinator's visits to transition programs be unannounced but allows the coordinator or SDE to still make unannounced visits (PA 24-78, §§ 12-16, effective July 1, 2024).

This report highlights education-related legislation impacting people with disabilities. For more information on education-related laws passed in 2024, please see Acts Affecting Education.

Veterans and Servicemembers

Full Property Tax Exemption for Veterans With a Permanent and Total Disability Rating

The legislature passed a new law this year that fully exempts from property tax a primary residence or motor vehicle for each former servicemember (i.e., veteran) who has a permanent and total (100%) disability rating. The exemption may also be transferred to a veteran's spouse or minor children in certain circumstances.

The eligibility criteria and application requirements for this new exemption are generally the same as those for the existing disability rating-based exemption for veterans (<u>PA 24-46</u>, effective October 1, 2024, and applicable to assessment years starting on or after that date).

Military Relief Fund Eligibility

Legislation passed this year expands eligibility for Military Relief Fund grants. Under prior law, the Connecticut Military Department could only provide grants to servicemembers and their immediate family members to pay expenses for essential personal or household goods or services if these expenses would be a hardship due to the servicemember's military service. Under the new law, the department may also provide grants if these expenses would be a hardship due to the servicemember's or immediate family member's serious injury, serious illness, or death (PA 24-57, effective July 1, 2024).

Workforce and Employment

DDS Self-Advocate Coordinators

A new law removes the statutory cap of 11 DDS self-advocates in a general worker position who are eligible for specified sick, vacation, and personal leave and holiday pay benefits (<u>PA 24-122</u>, §§ 4-6, effective upon passage).

JobsCT Tax Rebate Program

A new law changes how rebates under the JobsCT tax rebate program are calculated for businesses employing at least one new full-time equivalent (FTE) employee who is a person with intellectual disability. Under the new law, if the business creates and maintains at least 15 new FTEs and at least one of these FTEs is a person with intellectual disability, it may claim an additional rebate for each person with intellectual disability. The additional rebate equals 25% of the calendar year wages paid to each of these people (PA 24-149, § 1, effective upon passage).

Miscellaneous

Absentee Ballots for Nursing Home Patients

This year, the legislature authorized nursing home patients to apply for an absentee ballot within the six-day period before the polls close at an election, primary, or referendum and to appoint someone to bring them their ballot. Existing law already allows this for hospital patients (PA 24-148, § 5, effective upon passage).

DDS Human Rights and Program Review Committees

This year, the legislature codified existing practice by establishing in law a human rights committee and program review committee within each DDS service region and the Southbury Training School.

Under the act, the human rights committees must (1) advise and make recommendations to the regional and training school directors and the DDS commissioner on best practices and (2) address concerns and complaints on human rights issues involving people receiving DDS services, such as those involving aversive procedures or restrictive interventions. The program review committees must advise the directors and commissioner on best practices for reviewing plans that include things like behavior support strategies and the use of psychotropic and behavior modifying medications for these people (PA 24-122, §§ 9-11, effective upon passage).

DDS Oral Health and Dental Services Unit

A new law codifies existing practice by establishing an Oral Health and Dental Services Unit within DDS's Health and Clinical Services Division. Among other things, the new law requires the unit's services to be (1) specialized and individualized to meet the needs of people with intellectual disability and (2) provided under the scope of practice of a dentist or dental hygienist (PA 24-122, §§ 1 & 2, effective upon passage).

Medical Orders for Life-Sustaining Treatment (MOLST) Program

By law, to agree to participate in the MOLST program, a patient or the patient's legally authorized representative must sign the MOLST form. A new law removes the requirement that a witness also sign it. A MOLST is a medical order by a physician, APRN, or physician assistant to effectuate a patient's request for life-sustaining treatment when a physician or APRN has determined the patient is approaching the end stage of a serious, life-limiting illness or is in a condition of advanced, chronic progressive frailty (PA 24-68, § 7, effective upon passage).

Office of the Developmental Services Ombudsperson

By law, an independent ombudsperson office within DDS receives complaints affecting people under the care of DDS or agencies with whom the department contracts for services and recommends to the commissioner ways to resolve these complaints. A new law specifically names this office as the "Office of the Developmental Services Ombudsperson" (PA 24-122, § 13, effective upon passage).

Youth Sports Grant Program

A new law creates a youth sports grant program to give grants to distressed municipalities for nonprofit youth sports organizations providing sports programs and activities primarily for distressed municipality residents under age 18. It funds the program with 2% of the state's monthly revenue from sports wagering. Beginning with FY 27, distressed municipalities may apply to OPM for the grants. Those awarded grants must disburse them to eligible organizations and prioritize sports programs and activities that (1) provide adaptive sports for children and young adults with disabilities or (2) seek to improve outcomes in mental health, educational achievement, or community cohesion (PA 24-151, §§ 110 & 111, effective July 1, 2025).

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