

CONNECTICUT

Conn. Gen. Stat. Ann.

§52-570c. Unsolicited Advertising by Fax or Electronic Mail

(a) No person shall use a machine that electronically transmits facsimiles through connection with a telephone network or a device that automatically transmits a recorded telephone message to transmit unsolicited advertising material or an unsolicited telephone message which offers to sell goods or services.

(b)(1) No person shall send unsolicited advertising material by electronic mail, or cause such material to be sent by electronic mail, to an electronic mail address held by a resident of this state unless: (A) Such person identifies in the electronic mail a toll-free telephone number or a valid return electronic mail address that the recipient may use to unsubscribe or otherwise notify the sender to not send any further unsolicited electronic mail, and (B) the subject line begins with the letters "ADV".

(b)(2) Notwithstanding the provisions of subdivision (b)(1) of this subsection, no person or entity shall send by electronic mail, or cause to be sent by electronic mail, unsolicited advertising material upon notification by a recipient of such recipient's request to not receive any further such material.

(b)(3) For purposes of this subsection, (A) "person" does not include an electronic mail service provider, as defined in §53-451, or an Internet access provider, (B) "Internet access provider" means a person who provides underlying network facilities utilized in the transmission of Internet services, and (C) electronic mail has "unsolicited advertising material" if it includes an advertisement for products or services and is sent without the consent of the recipient by a person with whom the recipient does not have an established business relationship, and electronic mail does not have "unsolicited advertising material" if the sender has the consent of the recipient to send such mail to the receiver, or if the sender has a prior or existing business relationship formed by voluntary communication between the sender and the recipient with or without an exchange of consideration, in response to the recipient's inquiry about, application for, purchase of or use of products or services offered by the sender.

(c) The provisions of this section shall not apply to tax-exempt nonprofit organizations or to political or candidate committees or candidates or solicitors, as defined in chapter 150 *[which governs campaign financing]*.

(d) Any person aggrieved by a violation of the provisions of this section may bring a civil action in the Superior Court to enjoin further violations and for \$500 for each violation, together with costs and a reasonable attorney's fee. No such action shall be brought but within two years from the date of the act complained of. For purposes of this subsection, each electronic mail sent in violation of subsection (b) of this section constitutes a separate and distinct violation.

Created by Chapter 103, §1, Public Acts of 1989. Amended by Chapter 282, §§3-4, Public Acts of 1990; and Chapter 128, §2, Public Acts of 2003, effective October 1, 2003.

§53a-183. Harassing Fax Transmissions; Penalties

(a) A person is guilty of harassment in the second degree when: (1) By telephone, he addresses another in or uses indecent or obscene language; or (2) with intent to harass, annoy or alarm another person, he communicates with a person by telegraph or mail, by electronically transmitting a facsimile through connection with a telephone network, by computer network, as defined in §53a-250, or by any other form of written communication, in a manner likely to cause annoyance or alarm; or (3) with intent to harass, annoy or alarm another person, he makes a telephone call, whether or not a conversation ensues, in a manner likely to cause annoyance or alarm.

(b) For purposes of this section such offense may be deemed to have been committed either at the place where the telephone call was made, or at the place where it was received.

(c) The court may order any person convicted under this section to be examined by one or more psychiatrists.

(d) Harassment in the second degree is a class C misdemeanor.

Created by Chapter 828, §185, Public Acts of 1969. Amended by Chapter 871, §44, Public Acts of 1971; Chapter 103, §2, Public Acts of 1989; Chapter 282, §2, Public Acts of 1990, effective October 1, 1990; and Chapter 143, §2, Public Acts of 1995.